Tillson, and Edwin Sanderson, for continuance of appropriation for measurement of water flow in rivers by the Hydrographic Bureau—to the Committee on Appropriations.

Also, petition of Augustine L. Roderiguey, for annexation of Cuba to United States—to the Committee on Insular Affairs.

By Mr. WILLIAMS: Paper to accompany bill for relief of estate of Jacob Oates, Warren County; estate of Rebecca E. Sexton, Warren County; estate of Elizabeth Hemphill, Hinds County; estate of J. P. Davis, Yazoo County, and Burwell V. McGuffie—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Isaiah Carter and George Peyton—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *January 8, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. WILLIAM B. ALLISON, a Senator from the State of Iowa, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

KLAMATH INDIAN AGENCY, OREG.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an increase in the estimate of appropriation for the support of the Indians of the Klamath Agency, Oreg., from $5,000 to $8,000; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

H. R. 16548. An act to provide for a judicial review of orders excluding persons from the use of United States mail facilities; and

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the preachers' meeting of the Methodist Episcopal Church of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Townsend, Mont., and of Mitchell County, Kans., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Augusta, Ga., praying for the establishment in Africa of a free and independent government for ex-slaves and their offspring under the protection of the United States; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Rochester and New York, N. Y., and of Chicago and Blue Island, Ill., remonstrating against any investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. CULBERSON presented the petition of Godfrey R. Fowler, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. NELSON presented petitions of the congregation of the Evangelical Church, of the Woman's Christian Temperance Union of Preston, of sundry citizens of Argyle, of the congregation of the Baptist Church, and of the Woman's Christian Temperance Union of Anoka, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MILLARD presented memorials of sundry railway employees of North Platte and Omaha, Nebr., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. DEPEW presented a memorial of Local Division No. 154, Order of Railway Conductors, of Binghamton, N. Y., remonstrating against the enactment of legislation limiting the hours of service of railway employees; which was ordered to lie on the table.

Mr. FRAZIER presented a petition of the trustees of the Methodist Episcopal Church South, of Saulsbury, Tenn., praying for the payment of their claim against the United States, as recommended by the Court of Claims; which was referred to the Committee on Claims.

Mr. CULLOM presented memorials of sundry citizens of Chicago, Ill., remonstrating against any investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. FULTON presented a petition of sundry citizens of Ashland, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HEMENWAY presented memorials of sundry employees of the western division of the Pennsylvania Railroad, west of Pittsburg, Pa., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of sundry citizens of South Bend, Ind., and of sundry citizens of La Porte, Ind., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division No. 186, Street and Electric Railway Employees' Association, of Anderson, Ind., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of the congregation of the First Presbyterian Church of Hartford City; of the congregation of the Third Presbyterian Church of New Albany, and of the congregation of the Presbyterian Church of Kingston, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Graessle Mercer Company, of Seymour, Ind., praying for the enactment of legislation to remove the duty on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a memorial of Crescent City Council, No. 14, United Commercial Travelers of America, of Evansville, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the San Francisco Labor Council, of San Francisco, Cal., relative to the exclusion of Japanese from the schools of that city; which were referred to the Committee on Foreign Relations.

He also presented a petition of the city council of Chicago, Ill., praying that the outflow from Lake Michigan be controlled solely by legislation and not by treaty with any foreign government; which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Hartford City, Dubois County, and Sullivan County, all in the State of Indiana, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

MISSOURI RIVER BRIDGE.

Mr. BERRY. I report back favorably without amendment, from the Committee on Commerce, the bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, and I submit a report thereon. I call the attention of the Senator from Missouri [Mr. WARNER] to the bill.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO ARMY NURSES.

Mr. SCOTT. I am authorized by the Committee on Pensions to report back favorably the bill (S. 695) increasing the pensions of Army nurses. I report the bill without amendment, and submit a report thereon. At as early day as possible I shall try to call up the bill by unanimous consent.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. McCUMBER. As a minority of the Committee on Pensions, I submit adverse views upon the bill reported favorably by the Senator from West Virginia.

The VICE-PRESIDENT. The views of the minority of the committee will be printed in connection with the report.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 7612) granting an increase of pension to Amos Brough; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 7613) granting an increase of pension to Joseph T. Woodward; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7614) to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7615) granting an increase of pension to James M. Brown; and

A bill (S. 7616) granting an increase of pension to Ezekiel C. Ford.

Mr. MILLARD introduced a bill (S. 7617) granting an increase of pension to Victor H. Coffman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 7618) providing for the control of grazing upon the public lands in the arid States and Territories of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURKETT. I ask that 5,000 copies additional of the bill be printed for the use of the Senate. It is a bill similar to one I introduced at the last session, and there was an extra number printed at that time. The bill in its present form embodies some amendments in which certain organizations are concerned.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that in addition to the usual number 5,000 copies of the bill be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7619) granting an increase of pension to Ella L. Deweese;

A bill (S. 7620) granting an increase of pension to Robert E. McBride (with accompanying papers); and

A bill (S. 7621) granting an increase of pension to John Lynch.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7622) granting an increase of pension to George K. Taylor; and

A bill (S. 7623) granting an increase of pension to Sarah A. Kumler.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7624) granting an increase of pension to Andrew Ogle;

A bill (S. 7625) granting a pension to Perry H. Johnson;

A bill (S. 7626) granting an increase of pension to Enoch Childers;

A bill (S. 7627) granting a pension to Waldo W. Gifford; and

A bill (S. 7628) granting an increase of pension to John P. Wildman.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7629) for the relief of Harmon Snyder;

A bill (S. 7630) for the relief of the estate of Sarah J. Ronemous, deceased; and

A bill (S. 7631) for the relief of Jasper Workman.

Mr. KNOX introduced a bill (S. 7632) granting an increase of pension to Elias Garrett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KNOX (for Mr. PENROSE) introduced a bill (S. 7633) to encourage and temporarily assist the construction, equipment, operation, and maintenance of railroads in the district of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. KITTREDGE introduced a bill (S. 7634) granting an increase of pension to Charles Shattuck; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced the following bills; which were severally read twice by their titles, and, with accompanying papers, referred to the Committee on Pensions:

A bill (S. 7635) granting an increase of pension to Louis Grade; and

A bill (S. 7636) granting an increase of pension to Samuel M. Breckenridge.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7637) granting an increase of pension to Andrew Brown;

A bill (S. 7638) granting a pension to Spencer Woods;

A bill (S. 7639) granting an increase of pension to Paul H. Burns;

A bill (S. 7640) granting an increase of pension to Stephen H. S. Cook;

A bill (S. 7641) granting an increase of pension to Mary E. Ostheimer; and

A bill (S. 7642) granting an increase of pension to Oliver H. Rhoades.

Mr. SPOONER introduced a bill (S. 7643) for the promotion and retirement of Col. John B. Rodman, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 7644) for the relief of the estate of James S. Wilson; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KITTREDGE submitted an amendment authorizing the Secretary of the Interior to pay the judgment obtained by Jane E. Waldron in the United States circuit court for the district of South Dakota in the case entitled "Jane E. Waldron against Black Tomahawk and Ira Hatch, agent of the Cheyenne River Agency," intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $50,000 for compensation and actual necessary traveling expenses of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, etc., intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Manufactures, and ordered to be printed.

He also submitted an amendment relative to the appointment of three clerks of class 4, one of whom shall act as chief clerk, in the Bureau of Manufactures, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Manufactures, and ordered to be printed.

PROTECTION OF PACKAGES IN THE MAIL.

On motion of Mr. CARTER, it was

Ordered, That 1,000 additional copies of the bill (S. 6923) for the better protection of packages sent through the mails be printed for the use of the committee.

COMMITTEE ON VENTILATION AND ACOUSTICS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there shall be added to the select committees of the Senate the Committee on Ventilation and Acoustics.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the following constitute the Select Committee of the Senate on Ventilation and Acoustics: Mr. DU PONT (chairman), Messrs. GALLINGER, GAMBLE.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Ventilation and Acoustics be authorized to employ a messenger at $1,440 per annum, the same to be paid out of the contingent fund of the Senate.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Appropriations be authorized and instructed to provide for a clerk of the Select Committee on Ventilation and Acoustics, at an annual salary of $1,800.

COMMITTEE ON MANUFACTURES.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. DU PONT be appointed to fill the vacancy in the Committee on Manufactures.

JOANNA C. KELLEY.

Mr. RAYNER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the contingent fund of the Senate, to Joanna C. Kelley, widow of T. A. Kelley, late a fireman in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ESTATE OF JAMES MAKOY, DECEASED.

Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 1296) for the relief of the estate of James Makoy, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

CHANGE OF REFERENCE.

Mr. LODGE. I asked the other day that Senate Document No. 165, being the letter from the Secretary of War transmitting, pursuant to Senate resolution, a report relative to allowances made by the Quartermaster-General's Department upon the claims of D. M. Carman, of Manila, P. I., etc., and Senate Document No. 166, being the letter from the Secretary of War relative to allowance made by the Quartermaster-General's Department on the claim of Brooks & Co., of Santiago, for the loss of the lighter *Maria*, etc., be referred to the Committee on Military Affairs. The bills to which those documents relate I find have been referred to the Committee on Claims, and the reference which I requested was a mistaken one. I ask that the reference may be changed, and that Documents 165 and 166 may be referred to the Committee on Claims, where the bills are pending.

The VICE-PRESIDENT. Without objection, that change of reference will be made.

ANNUAL REPORT NATIONAL PUBLICITY BILL ORGANIZATION.

Mr. PATTERSON. Mr. President, there is a bill pending in the House and in the Senate that relates to publicity of political contributions in national elections. A national organization was established for the purpose of advancing the interests of the measure. Lately that organization held its first annual convention. I have the proceedings of that convention, and I ask unanimous consent that they be printed as a Senate document for the use of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the proceedings mentioned will be printed as a Senate document.

HOUSE BILLS REFERRED.

H. R. 16548. An act to provide for a judicial review of orders excluding persons from the use of United States mail facilities; which was read twice by its title, and referred to the Committee on the Judiciary.

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session; which was read twice by its title, and referred to the Committee on Printing.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The morning business is closed.

Mr. FORAKER rose.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. FORAKER, as modified, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

The committee, or any subcommittee thereof, is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. FORAKER. I received a communication a few moments ago from the Senator from South Carolina [Mr. TILLMAN], stating that he is so ill with the grippe and cold, from which he has been suffering for a few days, that he is unable to be in attendance, informing me further that he desires to speak upon this resolution, and requesting me to allow it to go over until to-morrow. That I am quite willing to agree to, but I understand that there are other Senators who desire to speak. If so, I will waive any right I may have under the notice I gave yesterday to speak further at this time, and speak later, if I find it agreeable to do so.

Mr. DANIEL. I would be glad to speak to-day.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FORAKER. Certainly.

Mr. OVERMAN. Mr. President——

Mr. FORAKER. I will say further that on yesterday we arrived at an agreement, as I understood it, that the Senator from North Carolina [Mr. OVERMAN], who had given notice that he would address the Senate at this hour, should not be interfered with, but be allowed to proceed.

Mr. DANIEL. I would be glad if it could be understood that when the Senator from North Carolina gets through I may take the floor. I have no idea of interfering with him.

Mr. FORAKER. Then I will ask that the resolution may be temporarily laid aside until after the Senator from North Carolina has completed his remarks.

Mr. OVERMAN. I wish to say that I knew nothing about the unanimous-consent agreement, and there was no unanimous-consent agreement when I gave the notice. As I understand the rules of the Senate, I can only proceed by the courtesy of the Senate.

The VICE-PRESIDENT. The Chair recognizes the Senator from North Carolina.

EXTENSION OF FEDERAL POWERS.

Mr. OVERMAN. I ask the Secretary to read Senate resolution No. 200, on which I propose to make some remarks.

The VICE-PRESIDENT. The resolution will be read at the request of the Senator from North Carolina.

The Secretary read the resolution submitted by Mr. WHYTE December 17, 1906, as follows:

1. *Resolved*, That the people of the several States, acting in their highest sovereign capacity as free and independent States, adopted the Federal Constitution and established a form of government in the nature of a confederated republic, and for the purpose of carrying into effect the objects for which it was formed delegated to that Government certain rights enumerated in said Constitution, but reserved to the States, respectively, or to the people thereof, all the residuary powers not delegated to the United States by the Constitution nor prohibited by it to the States.

2. *Resolved further*, That the extension of the Federal powers beyond those enumerated in the Constitution can only be rightfully accomplished in the manner provided by that instrument, and not by a strained construction of the Constitution which shall obliterate all State rights and vest the coveted, but not granted, power where it will be exercised by the General Government.

Mr. OVERMAN. Mr. President, written in the constitution of the great State of North Carolina, which I have the honor in part to represent, is the following clause, which at the present time is very significant:

A recurrence to first principles is absolutely necessary to the preservation of our liberties.

Judging from newspaper articles, magazine articles, and certain banquet speeches, the very significant utterances of men of prominence, great leaders of the Republican party, who fearlessly and candidly declare the doctrines of the old Federalists, and who propose in a measure to shape the policy of their party and declare its issues, and, judging from certain measures which are proposed here, it is high time that we should recur to fundamental principles and maintain those immortal truths and tenets upon which rest the very framework of this great Republic; and it is about time to stop and take our bearings and see whither we are drifting, to guard against being dashed to pieces against the rock of anti-republicanism or against being driven into unknown seas.

Chief Justice Marshall never stated a greater truth than when upon one occasion he stated that delegated powers are often abused. If they were liable to abuse in his day, how much more now, when men are thirsting for more power, are they liable to abuse to suit the purpose of those in authority, who, acting perhaps as they think for the best interests of the country, are tempted to put the most strained construction upon the commerce clause of the Constitution?

Bills have been introduced in this Congress to regulate child labor in the factories and mines of the States. One bill introduced by the senior Senator from Massachusetts [Mr. LODGE].

And a bill proposed by the senior Senator from Indiana [Mr. BEVERIDGE], which is as follows:

Be it enacted, etc., That six months from and after the passage of this act no carrier of interstate commerce shall transport or accept for transportation the products of any factory or mine in which children under 14 years of age are employed or permitted to work, which products are offered to said interstate carrier by the firm, person, or corporation owning or operating said factory or mine, or any officer or agent or servant thereof, for transportation into any other State or Territory than the one in which said factory is located.

SEC. 2. That no carrier of interstate commerce shall transport or accept for transportation the products of any factory or mine offered it for transportation by any person, firm, or corporation which owns or

operates such factory or mine, or any officer, agent, or servant of such person, firm, or corporation, until the president or secretary or general manager of such corporation or a member of such firm or the person owning or operating such factory or mine shall file with said carrier an affidavit to the effect that children under 14 years of age are not employed in such factory or mine.

SEC. 3. That the form of said affidavit shall be prescribed by the Secretary of the Department of Commerce and Labor. After the first affidavit is filed a like affidavit shall be filed, on or before July 1 and on or before December 31 of each year, with the interstate carrier to which such factory or mine offers its products for transportation; and after the first affidavit subsequent affidavits shall also state that no children under 14 years of age are employed or permitted to work in said factory or mine or have been employed or permitted to work in said factory or mine at any time during the preceding six months.

SEC. 4. That any officer or agent of a carrier of interstate commerce who is a party to any violation of this act or who knowingly violates any of the provisions of this act shall be punished for each offense by a fine of not more than $10,000 nor less than $1,000 or by imprisonment for not more than six months nor less than one month or by both said fine and imprisonment, in the discretion of the court. Any person by this act required to file the affidavit herein provided for who fails or refuses to file such affidavit or who shall make a false statement in said affidavit, shall be punished by a fine not exceeding $20,000 nor less than $5,000 or by imprisonment not exceeding one year nor less than three months, or by both said fine and imprisonment, in the discretion of the court.

This bill has also been proposed as an amendment to the bill now pending to regulate child labor in the District of Columbia.

Mr. President, the enactment into law of either one of these bills, in my judgment, would be not only to stretch almost to the breaking the commerce clause of the Constitution, but would be a usurpation of the rights of the States or the people, an assumption of that power which they reserved when the tenth amendment to the original Constitution was adopted.

Mr. President, the old Confederation entered into after our independence was established for the benefit of the colonies proved a dismal failure. With no provision for the regulation of commerce, no provision for the raising of revenue or the laying of imposts, all was inharmonious, distress came, and the people were not only humiliated but degraded. Then, upon the invitation of several of the States, a convention was called for the purpose of establishing a more stable government and the adoption of a constitution. In this convention all the States were represented.

The Constitution then adopted was submitted to the States for ratification and was adopted by nine of the States, that being the number required for its ratification. Some of the States, however, refused to ratify until they were assured that it would be amended so as to protect the people in their rights, home rule and local self-government; so that it should be clearly understood and written in the instrument itself that the government to be established should be one of limited powers only, and that all the powers not granted therein should be reserved to the people. I doubt if the State of Massachusetts would have ever ratified the Constitution if she had not been assured by John Hancock that certain amendments would be adopted, one of which she herself proposed, among others, was almost in the language of the tenth amendment itself. The State of North Carolina, always conservative, but always jealous of her rights, absolutely refused to adopt the Constitution until it was made certain that the ten amendments were or would be adopted. She was not in the Union and did not participate in the election of the first President, and refused to join until November, 1789, when she ratified the Constitution. She was one of the last to go in as she was the last of the Southern States to secede.

The very prefix to the resolution of the Congress submitting these amendments to the States for their adoption stated that a number of States at the time of the ratification of the Constitution expressed a desire, in order to prevent misconstruction and abuse of its powers, that further declaratory and restrictive clauses should be added. It is therefore evident that not only the States, but the Congress itself, in every way they could endeavored to throw around it every safeguard to prevent strained constructions and abuses of power which seemed to have been anticipated, as well as to extend the grounds of public confidence in the Government.

In this connection and for the purpose of this argument I will read the tenth amendment or article, as well as the ninth article to be taken in connection therewith.

ARTICLE IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X. The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States, respectively, or to the people.

Now, Mr. President, it is well not only to quote the language as it is written, which seems simple and plain enough and which is in no way involved. In the great case of Gibbons *v.* Ogden (9 Wheat., p. 188) Chief Justice Marshall says, in relation to this clause:

As men whose intentions require no concealment generally employ words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they have said.

But let us see how these principles were understood and expounded at the time of their adoption. Mr. Jefferson declared the duty of the Government to be—

The support of the State governments in all their rights as the most competent administration of our domestic affairs, the surest bulwark against antirepublican tendencies, the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.

And Mr. Madison declared the purposes of the Government to be under the Constitution—

To support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people and equally incorporated with and essential to the success of the general system.

As there was in those days of its adoption, there is to-day, it seems, a strong sentiment growing in this country for a consolidated or centralized government, for the extinction of the rights of the States, and abolition of State lines. This sentiment has grown with the inordinate desire for the dollar; the desire for grandeur and glory has increased with the growth of commercialism, the building up of mighty fortunes, the growth of a moneyed aristocracy, the centralization of great wealth in the hands of the few, produced by the great trusts and monopolies, many of which were organized for the purpose of crushing out competition and which have been robbing the people of untold millions.

A great writer years ago said:

With the aristocracy which great wealth brings comes the desire for power and glory, conferring greater power and necessarily reducing many to weakness, misery, and oppression.

And, I will add, with it comes corruption, if not despotism, and with the power that great wealth brings comes the desire for centralization of power in the Government, and with these desires realized a government of the people, for the people, and by the people will be a thing of the past.

Under our dual system of government, the reserved and delegated powers respected and no intrenchment upon one nor the other, this country has progressed beyond the wildest dreams of the fathers, our civilization has rapidly advanced, our increase of wealth has been marvelous, and there is no reason why the system should be changed and the limitations placed in the Constitution be obliterated; there is no reason for any departure from the fundamental principles as construed and expounded by the founders of the Republic and by the highest court of the land.

There is no question but that this Government derived all the power it has from the people of the States, and its Constitution was adopted by them with its written limitation and checks against abuses and usurpations. Shall the Congress not respect the limitations of the Constitution? And in the language of that great charter of our liberties, Shall it disparage the rights retained by the people?

No, Mr. President, the rights reserved to the States or to the people must be peacefully but efficiently protected against any encroachment by the General Government. And this great body which represents the States should see to it that there shall be no invasion upon these powers, should see to it that the fundamental principles of our free institutions are maintained in their full strength and vigor. For an encroachment upon these reserved rights to the extent which the tendencies of the time seem to be leading would be for the Central Government to interfere with, administer upon, and control the industrial, the local, and the domestic concerns of the people in the States, and when once begun and the precedent established there is no telling where it would lead nor where it would end, and State sovereignty would finally be no more. Instead of impairing the sovereignty of the State it is the duty of Congress to uphold and protect it to the last.

If more power is needed for the successful operation of the Government owing to changed conditions, the way is clearly pointed out; the method is provided for in the Constitution by Article V. Let an amendment be submitted to the States. In any event, let the people be consulted; let their sacred will be known, let their consent be given to the surrender of any of their rights, and without their consent let nothing be done by an unwarranted construction.

I will here read, Mr. President, the interstate-commerce clause of the Constitution:

The Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes.

It might be important here to observe that in the debates in the Constitutional Convention history shows that much more extensive grants of commercial power were proposed, asked for, and most strenuously advocated, but all such propositions were

voted down and this simple clause adopted by the wise men who composed that convention and who, being fresh from the people, respected their will.

Under the power here given, which was absolutely necessary for the General Government to have in order to harmoniously and efficiently regulate the commerce between the States and foreign nations, it is now claimed and seriously contended by some in this day and time that there is no limit to the extent of the power of Congress in commercial matters, and this is claimed in the face of frequent deliverances of the Supreme Court construing this clause.

There is probably, Mr. President, no limit to the power of Congress to deal with commerce as soon as it begins its transit or journey and until it ends and to deal with it while in transit between the States, and also it has full power to prescribe all the rules, regulations, and conditions under which it is governed. But as Congress has the exclusive power over interstate commerce, so the State has the exclusive power to control its own domestic and internal affairs, and it should be permitted to do so without question. Without the consent of the State the Congress has not only no business, but no power to interfere. And for any fancied act of omission of commission, I must say it is going very far for one citizen of another State or one high in authority in this Government to condemn and threaten the extinction of her rights as a State.

I am free to admit, Mr. President, that in some matters affecting the interstate commerce where citizens or corporations of one State are so conducting their business as to work an injury to citizens of other States, and where the other States, even under their reserved power, are powerless to protect themselves against the wrong done them on account of the power which has been surrendered to the Government, it is necessary for Congress to interfere and legislate for the purpose of controlling and regulating in these matters—such as the rate bill, the pure-food bill, and the food-inspection law, all of which receive my most hearty indorsement—and in my opinion no legislation for a century has done more for the good of all the people.

But when it is proposed to regulate and control these matters which can be controlled whether the State will or will not, as regards articles of commerce which in themselves can possibly work no injury upon citizens of other States, I deny the power of the General Government to interfere in any respect to the point where it begins its transit.

Though commerce and the scope of Congress over its regulations, under these laws, have been extended so as to include manufacture, the mere fact that goods are manufactured in the State for export to another, this fact in itself does not constitute in them interstate commerce within the meaning of the Constitution. This is so held by the Supreme Court of the United States in the case of Coe *v.* Erroll (116 U. S., 517).

In that case certain logs cut at a place in New Hampshire had been hauled to the town of Erroll, on the Androscoggin River, in that State, for the purpose of transportation beyond the limits of the State to Lewiston, Me., and were held at Erroll for a convenient time for shipment, and taxes were assessed on these logs for city and county and State purposes, and the question was whether these logs were subject to taxation like other property in New Hampshire, as they were to be exported into another State, and Justice Bradley, delivering the opinion of the court, says:

"Do the owner's state of mind in relation to the goods—that is, his intent to export them and his partial preparation to do so—exempt them from taxation? This is the precise question for solution.

"There must be a point of time when they cease to be governed exclusively by the domestic law and begin to be protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose in which they commence their final movement for transportation from the State of their origin to that of their destination. When the products of the farm or the forests are collected and brought in from the surrounding country to a town or station serving as an entrepôt for that particular region, whether on a river or a line of railroad, such products are not yet exports, nor are they in process of exportation, nor is exportation begun until they are committed to the common carrier for transportation out of the State to the State of their destination or have started on their ultimate destination to that State.

"Until then it is reasonable to regard this as not only within the State of their origin, but as a part of the general mass of property of that State, subject to its jurisdiction and liable to taxation. Then if not taxed by reason of their being intended for exportation, but taxed without any discrimination in the usual way and manner in which such property is taxed in the State, * * * the point of time when State jurisdiction over the commodity of commerce begins and ends is not an easy matter to designate or define, yet it is highly important both to the shipper and to the State that it should be clearly defined so as to avoid all ambiguity or question. But no definite rule has been adopted with regard to the point of time at which the taxing power of the State ceases as to goods exported to a foreign country or to another State. What we have already said, however, in relation to the products of a State intended for exportation to another State will indicate the view which seems to us to be the sound one on that subject, namely, that such goods do not seem to be part of the general mass of property subject as such to its jurisdiction and to taxation in the usual way until they have been shipped or entered with a common carrier for transportation to another State or have been started upon such transportation in a continuous route or journey."

The courts have held that the police power of a State is as broad and plenary as its taxing power. This being the doctrine as to the taxing power, Mr. President, all property in the State, therefore, is subject to the police power of that State so long as it remains in the State and before it starts upon its journey as commerce from one State to another.

If Congress can regulate child labor in our factories and mines under the interstate-commerce clause or any other clause of the Constitution, it has the power and can with the same reason regulate child labor upon the farm, can regulate the ages at which the boys and girls of the farm can pick from the boll the fleecy staple which is taken to the gin and then to the factory to be manufactured into cloth. It can regulate the ages at which the farmers' children shall work in the great wheat fields in the States of the Northwest, for the farmers have in mind when the wheat is produced that a greater portion of it is for interstate commerce, and it is to be shipped abroad to other states and foreign countries. The production of wheat and its manufacture into flour, though intended for such, is not interstate commerce. Neither is the production of cotton and its manufacture into cloth interstate commerce, though intended for such. As Justice Bradley says, "It is not the owner's or producer's mind which makes the commodity interstate commerce."

The cotton farmer knows that more than nine-tenths of his cotton will be shipped abroad; he knows that the price of cotton is fixed in Liverpool, a foreign market. While we manufacture about 2,500,000 bales in this country, about 7,500,000 bales are shipped to foreign countries. This does not make the raw material nor the manufactured products articles of interstate commerce. It does not become so until placed in cars or boats of the carrier for shipment.

If Congress is to regulate the cotton mills, why not let it go into the regulating business generally? Regulate the flour mills, the steel mills, the shoe factories, the clothing factories, and regulate the farms; regulate the laws in regard to health; let it regulate every branch of industry which contemplates an interstate or foreign market, and then there will be little left for the State to do.

I wish to say, Mr. President, that I am heartily in favor of reasonable child-labor laws. I favor a child-labor law for the District of Columbia, and, with some amendments, shall support the bill for that purpose now pending. I have favored a reasonable child-labor law for the mines and factories of my own State. We have such a law upon our statute books passed in 1903, a law passed by the legislature of that State, which had the power and whose concern it was, and not by the Congress, which has not the power and whose concern it was not. Such legislation by the General Government I am opposed to as being a step toward centralization and an invasion upon the rights of the State. The President, in his message, recognizes the fact that the power to control child labor is in the States and does not belong to Congress, for he says in his message to this session of Congress:

"The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle the question in its own way, but a thorough official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter."

I am glad to state, too, Mr. President, that our cotton-mill children have the opportunity afforded them of an education. Many of our factories maintain the very best schools for from four to eight months, with the very best school buildings with modern equipment, and employ the best teachers, all at their own expense, and every opportunity is given for the education of the children.

While there may be much truth in it, and there may be, and perhaps is, an evil that should be corrected in the proper way,

yet, in my judgment, there is a good deal of claptrap in all this cry about the crimes against humanity and slavery in the cotton mills.

Where the evils exist the States can and will correct them. I insist that in this Christian land of ours there is no less of higher moral ideas and humanitarianism—the brotherhood of man—in one State than another. We are all living and moving on a higher, nobler, and more Christian-like plane, I trust, and where one State has seen its duty and legislated in favor of humanity and corrected these evils you may soon expect that the Christian and patriotic sentiment in other States will cause their legislatures to act in these matters until we have the uniformity that is so much desired.

And again, Mr. President, the law which will suit one State might not prove satisfactory to the people of another State, where conditions are entirely different, and the regulation should be left to each State, which knows its own conditions best. The power to pass such a law is exclusively in the State. The States never surrendered to the General Government the power or its right to legislate upon questions affecting the life and liberty of its citizens. It never surrendered its right to legislate upon the rights of person or property or upon questions affecting the good order of society, the public health, or upon any of its internal, industrial, or domestic concerns. It never surrendered its police power, and it never will. These rights they not only did not surrender, but the people have always jealously guarded them and reserved them. This was clearly understood when the Constitution was adopted, and to properly safeguard them was the reason for the adoption of the ten amendments.

These questions have been before the Supreme Court and, in my opinion, have been settled in a variety of cases.

In the case of Kidd *v.* Pearson (128 U. S., 1), Justice Lamar, writing the opinion of the court, says (p. 16):

"The line which separates the province of Federal authority over the regulation of commerce from the powers reserved to the States has engaged the attention of this court in a great number and variety of cases. The decisions in these cases, though they do not in a single instance assume to trace that line throughout its entire length, or to state any rule further than to locate the line in each particular case as it arises, have almost uniformly adhered to the fundamental principles which Chief Justice Marshall, in the case of Gibbons *v.* Ogden (9 Wheat., 1), laid down as to the nature and extent of the grant of power to Congress on this subject, and also of the limitations, express and implied, which it imposes upon State legislation, with regard to taxation, to the control of domestic commerce, and to all persons and things within its limits of purely internal concern.

"According to the theory of that great opinion the supreme authority of this country is divided between the Government of the United States, whose action extends over the whole Union, but which possesses only certain powers enumerated in its written Constitution, and the separate governments of the several States, which retain all powers not delegated to the Union. The power expressly conferred upon Congress to regulate commerce is absolute and complete in itself, with no limitations other than are prescribed in the Constitution; is to a certain extent exclusively vested in Congress, so far free from State action; is coextensive with the subject on which it acts, and can not stop at the external boundary of a State, but must enter into the interior of every State whenever required by the interests of commerce with foreign nations, or among the several States. This power, however, does not comprehend the purely internal domestic commerce of a State which is carried on between man and man within a State or between different parts of the same State.

"The distinction is stated in the following comprehensive language:

> The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself. (P. 195.)

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"No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufactures and commerce. Manufacture is transformation, the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term as given by this court in County of Mobile *v.* Kimball (102 U. S., 691, 702) is as follows: 'Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities.' If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market?

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"The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests, interests which in their nature are and must be local in all the details of their successful management.

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"This being true, how can it further that object so as to interpret the constitutional provision as to place upon Congress the obligation to exercise the supervisory powers just indicated? The demands of such a supervision would require, not uniform legislation generally applicable throughout the United States, but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question. Nor this alone. Even in the exercise of the power contended for, Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch where the producer contemplated an interstate market. These instances would be almost infinite, as we have seen; but still there would always remain the possibility—and often it would be the case—that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State, and the interminable trouble would be presented that whether the one power or the other should exercise the authority in question would be determined, not by any general or intelligible rule, but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments and more provocative of conflicts between the General Government and the States, and less likely to have been what the framers of the Constitution intended, it would be difficult to imagine.

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"These questions are well answered in the language of the court in the license-tax cases (5 Wall., 462, 470): 'Over this commerce and trade (the internal commerce and domestic trade of the States) Congress has no power of regulation, nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens tranacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject.'"

In Wilkerson *v.* Rahrer (140 U. S., 545) the justice, in writing the opinion of the court, says (p. 554):

"The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

"And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the Constitution necessarily infringing upon any right which has been confided expressly or by implication to the National Government.

"The fourteenth amendment, in forbidding a State to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person within its jurisdiction the equal protection of the

laws, did not invest and did not attempt to invest Congress with power to legislate upon subjects which are within the domain of State legislation.

"As observed by Mr. Justice Bradley, delivering the opinion of the court in the Civil Rights cases (109 U. S., 3, 13), the legislation under that amendment can not 'properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection.'

"In short, it is not to be doubted that the power to make the ordinary regulations of police remain with the individual States and can not be assumed by the National Government, and that in this respect it is not interfered with by the fourteenth amendment. (Barbier *v.* Connolly, 113 U. S., 27-31.)

"'Commerce undoubtedly is traffic,' said Chief Justice Marshall, 'but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches and is regulated by prescribing rules for carrying on that intercourse.' Unquestionably, fermented, distilled, or other intoxicating liquors or liquids are subjects of commercial intercourse, exchange, barter, and traffic between nation and nation and between State and State, like any other commodity in which a right of traffic exists, and are so recognized by the usages of the commercial world, the laws of Congress, and the decisions of courts. Nevertheless, it has been often held that State legislation which prohibits the manufacture of spirituous, malt, vinous, fermented, or other intoxicating liquors within the limits of a State, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or by the amendments thereto. (Mugler *v.* Kansas, 123 U. S., 632, and cases cited.) 'These cases,' in the language of the opinion in Mugler *v.* Kansas (p. 659), 'rest upon the acknowledged right of the States of the Union to control their purely internal affairs, and in so doing to protect the health, morals, and safety of their people by regulations that do not interfere with the execution of the powers of the General Government or violate rights secured by the Constitution of the United States. The power to establish such regulations, as was said in Gibbons *v.* Ogden (9 Wheat., 1, 203), reaches everything within the territory of a State not surrendered to the National Government.'"

And in Knight case (156 U. S., 1) the Chief Justice, in delivering the opinion of the court, says (p. 11):

"The fundamental question is whether, conceding that the existence of a monopoly in manufacture is established by the evidence, that monopoly can be directly suppressed under the act of Congress in the mode attempted by this bill.

"It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, 'the power to govern men and things within the limits of its dominion,' is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive. The relief of the citizens of each State from the burden of monopoly and the evils resulting from the restraint of trade among such citizens was left with the States to deal with, and this court has recognized their possession of that power even to the extent of holding that an employment or business carried on by private individuals, when it becomes a matter of such public interest and importance as to create a common charge or burden upon the citizen; in other words, when it becomes a practical monopoly, to which the citizen is compelled to resort and by means of which a tribute can be exacted from the community, is subject to regulation by State legislative power. On the other hand, the power of Congress to regulate commerce among the several States is also exclusive. The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several States, and if a law passed by a State in the exercise of its acknowledged powers comes into conflict with that will, the Congress and the State can not occupy the position of equal opposing sovereignties, because the Constitution declares its supremacy and that of the laws passed in pursuance thereof; and that which is not supreme must yield to that which is supreme. 'Commerce undoubtedly is traffic,' said Chief Justice Marshall, 'but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.'

"That which belongs to commerce is within the jurisdiction of the United States, but that which does not belong to commerce is within the jurisdiction of the police power of the State. (Gibbons *v.* Ogden, 9 Wheat., 1, 189, 210; Brown *v.* Maryland, 12 Wheat., 419, 448; The License cases, 5 How., 504, 599; Mobile *v.* Kimball, 102 U. S., 691; Bowman *v.* Chicago and N. W. Railway, 125 U. S., 465; Leisy *v.* Hardin, 135 U. S., 100; In re Rahrer, 140 U. S., 545, 555.)

"The argument is that the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the General Government, in the exercise of the power to regulate commerce, may repress such monopoly directly and set aside the instruments which have created it. But this argument can not be confined to necessaries of life merely, and must include all articles of general consumption. Doubtless the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture, and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce.

"It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the States as required by our dual form of government; and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run in the effort to suppress them of more serious consequences by resort to expedients of even doubtful constitutionality.

"It will be perceived how far-reaching the proposition is that the power of dealing with a monopoly directly may be exercised by the General Government whenever interstate or international commerce may be ultimately affected. The regulation of commerce applies to the subjects of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and its instrumentalities, and articles bought, sold, or exchanged for the purposes of such transit among the States, or put in the way of transit, may be regulated, but this is because they form part of interstate trade or commerce. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce."

Mr. President, it has been contended by some that the decision in the lottery cases governs this matter, and that under those decisions we have a right to pass such bills as this. These decisions are based upon an entirely different proposition, however. They are based upon the power which the Constitution gives to Congress to establish post-roads and post-offices; they are based upon that power which was conferred by the people. But there is one case, Mr. President, and that is also a lottery case, where is held constitutional an act making it unlawful to send lottery tickets by a private express company in a box. I want to read what the court says there, showing that this question has not been finally decided in that matter. I call the attention of the Senate to the fact that this is decided by a divided court—five to four—but the learned judge, in writing the opinion of the court, says this:

"It is said, however, that if, in order to suppress lotteries carried on through interstate commerce, Congress may exclude lottery tickets from such commerce, that principle leads necessarily to the conclusion that Congress may arbitrarily exclude from commerce among the States any article, commodity, or thing, of

whatever kind or nature or however useful or valuable, which it may choose, no matter with what motive, to declare shall not be carried from one State to another. It will be time enough to consider the constitutionality of such legislation when we must do so. The present case does not require the court to declare the full extent of the power that Congress may exercise in the regulation of commerce among the States. We may, however, repeat in this connection what the court has heretofore said—that the power of Congress to regulate commerce among the States, although plenary, can not be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed by the Constitution."

Mr. President, the cloth when manufactured and the ore when mined, no matter what the intention may be, does not become interstate commerce until delivered to the carrier for transit or exportation. Then, and not till then, does the jurisdiction of the General Government, under the commerce clause of the Constitution, attach, and prior to that time it is subject only to the jurisdiction of the State to legislate concerning it as other property in the State. This seems to me, and is, in my judgment, the construction of the court upon this matter.

Mr. President, there are many wholesome laws in some of the States which, in order to have uniformity, and for the good of the country, should be adopted by all the States. However, there are many laws which are necessary, and their enactment would be wise and wholesome for one section of the country, which would not be for another section and to that section would prove injurious and burdensome.

I should like to see uniformity in the divorce laws and the insurance laws, but uniformity can be obtained without Congressional action, and without the usurpation of the reserved powers of the States. A few years ago there was a wide difference in the negotiable instrument laws of the States, and the business of the country was suffering on account of it. There was a demand for uniformity, and the commercial interests, the public sentiment of the country forced uniformity, and they corrected this evil, so that now a large majority of the States have the same negotiable instrument law, and Congressional action was neither sought nor demanded, was not even thought of. The evil remedied itself, as many other evils affecting and acting to the detriment of all the people will do in time.

The laws of Congress must affect and bear upon all the people alike, and the usurpation by Congress of the rights to legislate upon these matters of domestic concern would work a great wrong and hardship upon some and cause jealousy and bitterness, which might prove disastrous. Time and mutual intercourse and commercial dealing among the people of the States will in time bring uniformity wherever there should be uniformity.

If Congress should so forget its duty to the people and to the States as to legislate in regard to education in the States and undertake to administer upon and control our schools, should make a law which would require the black child and the white child, the white child and the Chinese and the Japanese child to be admitted to the same school, while it might be perfectly acceptable and satisfactory to some States, it would shut the door of every schoolhouse in the South and the extreme Western States, and besides, Mr. President, would cause bitterness, riot, and bloodshed. The General Government must not interfere in these local matters. There are problems to settle and burdens to be borne which the States themselves can best deal with. The Government can not understand them; only the people who are daily brought face to face with them can.

The powers surrendered by the people to the United States for this great Federal Union are supreme and have been in the past and are now, ample and sufficient for any and all necessary purposes of the General Government, and so are the powers which the people reserved to themselves. They are supreme for any State purposes and the people are satisfied to continue as they are under the system of government under which we have prospered as no other country in the world has prospered; under which we have grown to be the greatest nation upon the face of the earth.

Centralization against the dual government, the State and the Federal, delegated power against reserved powers, consolidationists against the people. Are we to have such an issue? Let it come and the people will know how to settle it. They will never submit to having any of their rights taken away or State lines extinguished or their reserved powers merged into a great consolidated Government at Washington, for they will know it is sooner or later bound to result in the destruction of happiness and the robbing them of their liberties.

Shall the States be degraded and the people humiliated? Mr. President, the people will never submit to it. There is more of patriotism, there is more love and pride of country now than ever before in the history of the Government. The people are proud to know that our flag is honored abroad as it has never been before. If the issue is to come, the sooner the better. But when they, from whom the source of all our power comes, properly understand it, there will be a revolution, not at arms, but at the ballot box, and the party which champions the cause of centralization, I predict, will be overwhelmingly defeated. There can never be another civil war in this country. Thank God that day is past. The people of the various sections understand each other better. There is less of jealousy and more of fraternity between them; there is no hatred, and the sectional prejudice of the past is fast dying away. The railroads, the telegraph, and the telephone companies, commerce and commercial relation, mutual dealings have brought the sections of the country closer together and made them neighbors and friends. There is more of prosperity, more of concord and amity existing than ever before.

And no one section of the country is more loyal to the Government or takes more pride in her greatness than another, and should she be assailed the South as well as the North, the East and West, all together would rally to its support, each vying with the other in giving it its most loyal support. Pride of State and love of the Union would make us invincible. Under these conditions it would be a crime to change our present system of government, a crime to take from the people the right of local self-government in the States. Let the powers enumerated in the Constitution remain limited. Let the reserved powers in the people be undisturbed. Let the integrity and autonomy of the States be upheld; encourage State pride. Centralization would be a constant menace to the liberties of the people, breeding corruption and oppression. These reserved powers are in the people of the States. It is theirs to hold, it is theirs to surrender; but when once surrendered it can never be regained. I say with a great judge who wrote it, that that government is best which while performing all its duties interferes the least with the lawful pursuits of its people.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. DANIEL. Mr. President, the resolutions before us and the debate which has ensued bring a very important question of constitutional law before the Senate. It is applicable to the discipline of the Army of the United States. The question is not a novel one; neither to my mind is it a difficult one. It travels over no new road. It traverses in its antecedents the history of the English-speaking people. It entered at the beginning of our country into American military law. It is a question which has been settled long and long ago in every way that this country can settle any question.

From the foundation of the Government to this session of Congress no question has ever been raised here as to the power of the President of the United States to drop from the muster roll of the Army any private soldier. I say that this is the case; but, of course, I speak only according to my own limited knowledge and according to my information and belief. I believe as to this question we might well apply the familiar rule of construction, that "concerning things which do not appear, and those which do not exist, there is the same rationale." If the power of the President in such a case as the one now before the Senate had ever been successfully questioned, surely the wary minds which have searched the records of this country for a hundred years might have discovered and would surely have produced the precedent. Not only has this question been settled by the practice of the Presidents of the United States, the Secretaries of War, and the department commanders, but by repeated opinions rendered before their action by the Attorneys-General of the United States, and by the decisions of the Supreme Court after their action, all to the effect that the power exercised in this case was clearly vested in them.

THE PRESIDENT CLEAR IN HIS GREAT OFFICE.

I may be prolix, Mr. President, in laying my views before the Senate. As lunch hour has arrived, I am glad to believe that I will make myself less an infliction upon the patience of the body; but I am seeking sincerely to arrive at the truth, the justice, the law, and the Constitution of the matter. They are pearls of great price. The people of this country ought not to be misled by anybody's misapprehension. Public sentiment in this country should always stand by the Chief Magistrate of the land and the Commander in Chief of the Army and Navy when he is clear in his great office. I conceive that he has been clear in his great office, and that not only has he adhered closely to the precedents of those who have occupied it before him, but has remained clearly within the lines of the Constitution and the Articles of War.

ONE SENTENCE EXCEPTED TO.

I may add that there is one sentence in the general order which was issued by his command to which I must dissent. It is the one which declares that the troops or soldiers whom he caused to be dropped from the rolls of the Army should be "forever debarred" from admission to the civil service. I think in that respect the arrow from his bow went too far. But that is not at this time a matter of practical discussion, although it may be very properly one of animadversion and criticism. And if there be error in that regard, not only is legal remedy in the courts readily applicable, but the error will correct itself whenever any practical test is made.

I am not, Mr. President, a political adherent of the party to which the President belongs. I have often been constrained by my own conviction to differ from sentiments avowed in his messages and from doctrines which he has sought to enforce. I agree fully with the vigorous and eloquent speech which was made on yesterday by the Senator from Oregon [Mr. GEARIN], in which he undertook to show the departure of the President of the United States from the settled principles which control the relations of the States and the Federal Government with respect to the public schools of San Francisco, Cal., and the introduction therein of Japanese students. But this is not the time, Mr. President, to advert to differences which will necessarily occur in this country and are not altogether to be lamented. They are part of the process by which we arrive at truth, and there is a becoming time and place for their settlement.

BRITISH AND AMERICAN ARTICLES OF WAR.

With the beginning of our Government there was first introduced, of course, what are known as "Articles of War." The first Continental Congress, in 1774, enacted Articles of War, and the Continental Congress of 1776 enlarged and modified the articles which had been previously adopted. In doing so they fell into the language in some degree, and also in some degree into the adoption of the principles, which had ruled in the British army before the formation of the separate Republic. I agree fully with the Senator from Ohio [Mr. FORAKER] when he said on yesterday that proof that a certain thing was admissible in the British army or had been ruled by the King or a commander in the British army was not in itself proof that it was an American doctrine which we ourselves should enforce. By no means. But besides the common law and the common language which identify the two peoples there is a long identity in the stream of history which has flowed down from one country to the other. In our Constitution, as well as in our statutes, are terms which have historic meaning and application which they convey to all who speak our language and who know the traditions and the legends of our race.

THE BRITISH AND AMERICAN ARTICLES OF WAR AT THE TIME OF THE REVOLUTION.

In the British army at the time of the Revolution there was the following article of war:

After a noncommissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed our service without a discharge in writing; and no discharge granted to him shall be allowed of as sufficient which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer where no field officer of the regiment is in Great Britain.

When the American articles of 1776 came to be enacted by the Continental Congress they pursued somewhat the same language and adopted this provision:

After a noncommissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be allowed of as sufficient which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer where no field officer of the regiment is in the same State.

This shows nearly an identity of thought between the new people and the old one from which they had derived their origin.

Although adopted by the Continental Congress the articles of 1776 were, by the act of September 29, 1789, continued in force by a requirement that the then existing military establishment should "be governed by the Rules and Articles of War which have been established by the United States in Congress assembled, or by such Rules and Articles of War as may hereafter by law be established."

CHANGE OF AMERICAN ARTICLES OF WAR IN 1806—ONE ARTICLE CONCERNED BOTH OFFICERS AND SOLDIERS.

For thirty years this was about the state of the American Articles of War, but in 1806 there came about a specific change, and that changed condition is, with such modification as I shall presently show, now the law of this land. In 1806 the articles were amended so that they read as follows:

After a noncommissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a noncommissioned officer or soldier before his term of service has expired but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court-martial.

So far as this article of war applies to what is known as the rank and file of the Army, to the noncommissioned officer, and the man, it has been the law of this land for exactly one hundred years, with a little plus to balance, and the only variation in it is that which applies to a commissioned officer, for it remains identically the same as to the private and the subaltern. The paragraph which I am reading continues in the Articles of War of 1806 so as to include officers:

Nor shall a commissioned officer be discharged the service but by order of the President of the United States or by sentence of a general court-martial.

So it will be seen that in 1806 four authorities could discharge an enlisted man, namely: 1, the President; 2, the Secretary of War; 3, a department commander, and 4, a court-martial. But two could discharge an officer, namely: 1, the President; 2, a court-martial.

EXISTING ARTICLES OF WAR.

Now, Mr. President, let us take up our existing Articles of War. They are statutes of the Congress of the United States defining the power of the President, the Secretary of War, the department commander, and the function of a court-martial. They are two in number, so far as concerns this subject, and are no longer embraced in a single article, as in 1806. The first of them is article 4, which concerns the enlisted man. It provides as follows:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man *before his term of service has expired* except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

I have myself italicized the words "*before his term of service has expired*," because "thereby hangs a tale."

I ask the Senate to observe particularly this expression of seven words "*before his term of service has expired*," because it is applicable to a case in which the noncommissioned officer or other enlisted man is simply severed from the service before the due and proper cessation of his term.

Now, when we turn to the ninety-ninth article we find where it has differentiated from the original article of 1806. It provides:

No officer shall be discharged or dismissed from the service, except by order of the President or by sentence of a general court-martial—

And the words which I now read are added—

and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial or in mitigation thereof.

Observe: "*In time of peace*" no officer can be dismissed "except in pursuance of the sentence of a court-martial or in mitigation thereof."

THE CONTENTION OF THE SENATOR FROM OHIO [MR. FORAKER].

Yesterday, Mr. President, the Senator from Ohio [Mr. FORAKER] gave it as his opinion that the one hundred and forty-sixth paragraph of the Army Regulations, which provides for the discharge in due course and at the end of the term of service of an enlisted man, required that it be given with such formalities that they could not be disregarded by the President of the United States, and he also contended that the President was not above the law, but was obliged to be governed by those rules which are given in paragraph 146. Before I turn specifically to that paragraph and to its context, from which I think the mind will readily gather that the Senator's view is a misapprehended construction of its terms, I desire to point out a decisive and controlling fact that antedates it. That fact is this: That in Article XCIX of the Articles of War the President is prohibited from discharging a commissioned officer in time of peace, "except in pursuance of the sentence of a court-martial or in mitigation thereof." Mind you, that is the officer. When those two articles were made up, out of the one article of 1806, that its applications with respect to the court-martial was confined to the officer only, and when we come to read Article IV it simply says:

No discharge shall be given to any enlisted man before his term of service has expired—

Mark you, there, the words "before his term of service has expired"—

except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

It imports not that the President can *not* dismiss or discharge him—the enlisted man—in time of peace, but it affirmatively

gives "the President, the Secretary of War, the commander of a department, or a court-martial" each the same coordinate, conclusive, and equal power. This we have from the fourth article of war, which is an act of Congress, before we take the Army Regulations in hand.

ARTICLES OF WAR AND ARMY REGULATIONS.

The Articles of War, Mr. President, are generally embodied as a part of the Army Regulations, because they are the statutes of Congress, made in pursuance of the Constitution, for the government and regulation of the Army. But while Army Regulations include Articles of War, Articles of War do not include Army Regulations. While a whale is a fish, all fishes are not whales. The Army Regulations rest upon a different basis—not upon the express enactment of the Congress of the United States, not upon the express power conferred by Congress upon the President of the United States, though in one case or another they may be, but either upon the sanction of Congress given in collateral ways or upon the constitutional power of the President of the United States as Commander in Chief of the Armies and Navies of the United States to make orders, regulations, and rules.

NOT THE SUPPORTER OF AUTOCRACY.

I am neither the lover, the friend, nor the advocate of autocratic power. I believe in the government of the people, for the people, and by the people. But I know full well that no people in all the tide of time have ever been able either to make aggressive or defensive war without waging it through the discipline and organization of armies and without putting their power in the hands of those who head them and whom they themselves select as their agents.

OLD-TIME ARTICLES OF WAR.

The military commanders of Europe—aye, of history—issued as a part of their regulations to the army what they termed "articles of war." We have the ordinance of Richard I, of 1190, to regulate disputes between soldiers and sailors on the voyage to the Holy Land, and the articles of war of Richard II, of 1385. Gustavus Adolphus, King of Sweden, published his articles of war in 1621 and commanded that they be read publicly every month before every regiment. James II decreed articles of war in 1688. Parliament enacted the first British mutiny act of 1689. In 1765, at the beginning of the Revolutionary war, the British articles of war came in force, which were that year established.

THE EXISTING ARMY REGULATIONS OF THE UNITED STATES.

The regulations of the Army which now obtain were published for the last time in 1904. They were issued as Document 230, from the office of the Chief of Staff. They were promulgated September 15, 1904, from the War Department by the following order:

The *President of the United States* directs that the following regulations for the Army be published for the government of all concerned and that they be strictly observed. Nothing contrary to the tenor of these regulations will be enjoined in any part of the forces of the United States by any commander whomsoever.

WM. H. TAFT, *Secretary of War.*

What recognition or sanction from the Congress of the United States have those regulations thus issued by the Commander in Chief of the Army through his Secretary? I turn to page 179 of the Military Laws of the United States, published June 1, 1904, by Gen. George B. Davis, Judge-Advocate-General, in which is embodied section 2 of the act of June 23, 1879. It appears in the Military Laws as section 489 and reads:

That the Secretary of War is authorized and directed to cause all the regulations of the Army now in force to be codified and published to the Army, and to defray the expenses thereof out of the contingent fund of the Army.

RECOGNITION OF THE PRESIDENT'S POWER TO MAKE ARMY REGULATIONS.

Mr. President, let us examine a little further as to how far the jurists and the courts of this country have recognized the power of the President to publish and to make Army regulations. In the case of Kurtz *v.* Moffatt, 115 United States, pages 487 and 503, it is held:

The Army Regulations derive their force from the power of the President as Commander in Chief, and are binding upon all within the sphere of his legal and constitutional authority.

In a note to page 178 of General Davis's book on military law it is said, upon authority of the Supreme Court:

The power of the Executive to establish rules and regulations for the government of the Army is undoubted. The power to establish necessarily implies the power to modify or to repeal or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation, and rules and orders publicly promulgated through him must be received as the acts of the Executive, and as such are binding upon all *within the sphere of his legal and constitutional authority.* Such regulations can not be questioned or defied because they may be thought unwise or mistaken.

REGULATIONS MADE BY THE PRESIDENT MUST BE CONSTITUTIONAL.

Of course, any regulation made by the President must be within the purview of the Constitution and laws of the United States. This is axiomatic—manifest—a truism. He, like every Member of the House and the Senate—he, like every military officer and every civilian officer—lives, moves, and has his being and authority within the powers conferred either expressly or by necessary or proper implication by the Constitution of the United States.

No one has ever questioned in a hundred years of its existence the power of the Congress of the United States to make the fourth and the ninety-ninth articles of war. They have behind them the practice of this whole people. In civil wars and in foreign wars, from 1812 to the crack of the last gun in the Philippine Islands, they have had the universal acquiescence and affirmation. It would be a curiosity to find anywhere in the history of this Government any disputation whatsoever of the power of the President to act under the fourth article of war and sever the relation of a private soldier to the Army of the United States at any time, according to his discretion and judgment.

ENLISTMENT AS A CONTRACT—A HARD KNOT AT ONE END AND A BOWKNOT AT THE OTHER END.

Mr. President, something has been said about enlistment as a contract, and that it confers certain contractual rights upon the soldier and imposes certain contractual obligations upon the Government that enlisted him. This is true, but it is only true in a qualified sense. The contract of enlistment, when you come to analyze it and read its history and read the decisions of both military men and civil jurists upon it, is a contract which has a hard knot tied at one end of it to bind the soldier and a bowknot at the other end. At this other end the President, the Secretary of War under him, the commander of a department, or a court-martial, may at any moment dissolve it by untying the bowknot, as their judgment or discretion may prescribe.

HARDSHIP, FAVOR, AND HUMANITY EACH AND ALL MAY BE INVOLVED IN THIS DISSOLUBLE QUALITY OF THE CONTRACT.

It may in some cases operate to the hardship of the soldier. A soldier's life is not one of primroses. He does not join an army to seek pleasure or expecting to be laid in the eiderdown. Often he must "scorn delights and live laborious days." He goes in an army to encounter hardships. It is a service of honor. It is a service of credit. It is a service that brings to the soldier that highest meed of commendation which one man can give to another. The soldier lives a life of sacrifice, of toil, of risk, and danger for a cause which commands his respect and devotion.

But while this bowknot, which may be untied at any moment, may be sometimes untied to the hardship of the soldier, it is very often untied to his advantage. He is permitted to purchase his discharge, and often this is very greatly desired. Day after day and year after year married men and widows' sons by the equitable and just sense of the President, a commander of a department, or the Secretary of War, are permitted to leave the Army and are discharged by order. Very often men who have become feeble in mind but upon whom one would not wish to put the disadvantage of having been removed for lunacy or anything of the sort, are quietly let out of the Army by humane and just considerations which deal with them with grace and leniency.

Very often there is a charge against a man. The legal evidence may not be procurable which would convict him in a court. It may be impossible in the nature of things to get the testimony which would convict before a court-martial. But the President of the United States, the Secretary of War, or the officer commanding the department may reach the conclusion upon any moral evidence that is brought to their minds that it is better for the man or it is better for the service just to let him drop. And time and again, in innumerable cases, this has been done. The mere fact that a man is unsuitable in any way for the service—physically, morally, or intellectually—may be good ground to drop him out. And this has occurred in multitudinous cases in recent years as in times thitherto.

There is another case. There may be grave suspicion. A soldier may lose the confidence of his commander. That is a kind of thing which may not depend on mathematical or logical demonstration. But never since armies were organized, and certainly never since the army of an intelligent and high-minded people, like those of America, was organized was the President or commander of an army required to keep in the service a soldier in whom he had no confidence. Humanity to the soldier and humanity in public considerations are often subserved by this great power reposed in the chieftains of the people. It is equally true, Mr. President, upon the other hand, that this power to drop a man may operate as a hardship. There is no rule

of law, good or bad, which does not have in some respect its influence and operation in both directions.

ANCIENT FORM OF ENLISTMENT BEFORE THE ARTICLES OF 1776.

Mr. President, before the Articles of War of 1776 the usual form of enlistment in the Army was to serve for such a time, "unless sooner discharged," and I have before me the form of enlistment adopted in the American Army on June 14, 1775, before the articles of 1776 were framed. Here is the form:

I have this day voluntarily enlisted myself as a soldier in the American Continental Army for one year, *unless sooner discharged.*

This form is given in Winthrop's Military Law, volume 1, page 774. It is useful as illustrating the historic sense of the relation of a soldier to an army—that he contracted for service for a certain time, but had it impressed upon his mind that he might be sooner discharged.

I have before me, Mr. President, the Army Regulations which were published in 1821. They are instructive as showing the form of certificate to be given to soldiers at the time of their discharge, and they reveal the fact that this so-called discharge "without honor," which was known in the old British army as a discharge "without character," is no novel thing in our present American law, although not embodied in the particular phrases which aforetime were in vogue. These regulations were published in July, 1821, when John C. Calhoun was Secretary of War. They had been compiled by Maj. Gen. Winfield Scott, Commander in Chief of the Army. Here on one of the pages of the appendix is the form for a certificate of discharge. In reciting the service of the soldier come the words "having served honestly and faithfully," but at the bottom of the discharge are the words: "'*Honestly and faithfully*' *will be erased where the conduct of the soldier has not been such as to entitle him to an honorable discharge.*"

The following certificate of discharge is the form of the actual discharge which the soldier was to get in hand when he severed his connection from the service. In the text of it are the words "is hereby honorably discharged," but in a note at the bottom is this explicit statement:

When the officer commanding the company has not certified that the soldier served honestly and faithfully the word "honorably" will be stricken out.

So far as our Army Regulations run, although I can not claim to have made a perfectly expert and thorough examination, that is the first public appearance in the promulgations of the War Department in which is found a recognition of this practice.

DISCHARGES GIVEN BY THE COMPANY CAPTAINS.

It will be observed, Mr. President, that in this discharge, just as in the one referred to in the present one hundred and forty-sixth article of the Army Regulations, it was a discharge to be given by the captain of the company, and it related for the most part, though not necessarily employed in such cases alone, to the normal or ordinary discharge, as it is called, which came at the end of the service. In those days the captain of the company attested the character of the soldier under which he departed from the service.

THREE KINDS OF DISCHARGES—HONORABLE, DISHONORABLE, AND NEUTRAL.

Now, Mr. President, it would seem that not only in the British army, where existed the discharge known as "without character," but in our armies in antecedent days and in our Army to-day three kinds of discharge are recognized and are constantly practiced. One is the honorable discharge. When the officers of the service attest at the end of a soldier's career that that career has been honest and faithful, it is to him the crown of his career. It is not a neutral thing. It is an affirmation that he goes forth from the Army with the testimony of those who have served with him and who have known him attesting to the world by the credentials of their name the good service which he has rendered to his cause and country.

There is also known such a thing, Mr. President, as a dishonorable discharge. It applies now for the most part, if not altogether—and I believe altogether—to those discharges in which the soldier has been discredited by conduct ascertained by a court-martial, or at least one created by an infamous offense. If he has been guilty of some conduct which is known to be and which is affirmed as infamous, if he has been drummed out of camp as an improper person for any offense that meets such condign punishment, if he has been ascertained to be a deserter, if he is unworthy to be trusted or credited—he is given a dishonorable discharge.

THE NEUTRAL OR COLORLESS DISCHARGE WITHOUT HONOR.

Now, then, Mr. President, there is the third or middle kind of discharge, for the most part neutral in its effects upon the soldier, apart from the fact that it severs his relation with the Army. It is upon a charge without conviction and without punishment in any legal sense. The soldier who gets a discharge of this middle or neutral kind may have served with distinguished honor, but he leaves the service under such circumstances that those who have been appointed in authority over him are not prepared to give him the credential of honor. They are in doubt about it; they do not know. There has either been an affirmative diminution of his character or there has been such an obscuration of his character that they can not as truthful men bear witness unto it.

WHAT "WITHOUT HONOR" MEANS.

In these cases, Mr. President, in the Army of the United States, the soldier who is simply dropped from the rolls has the words "without honor" written in his discharge. They do not mean that he has served without honor, but they do mean without the credential and certificate of honor.

There is no man in the public service of the United States who has not been called upon at some time to accredit this man or that man to some appointed power. Neither is there anyone who has not at some time withheld the signature of his name or the attestation of his recommendation, not that he knew anything against the party desiring it, not that he had heard anything against the party desiring it, but simply because he was without knowledge, and it had not been made to appear to him that such testimony could be truly given.

In the English army it is called a discharge without character, and in the slang term of the soldiers it is known as the "bobtail" discharge—a discharge in which the character has not been attested.

Mr. President, after the Articles of War of 1776 our forms of enlistment dropped out for the most part "unless sooner discharged." It became evident that they were neither necessary nor desirable; Congress, in 1806, provided for the dropping of soldiers from the Army at any time. In the old British army a colonel could do it, or a field officer, under the customs that had grown up. In our first article of war of 1776 it was not confined to the President of the United States or to the officers now designated, but for the whole track of a hundred years, without contest and without dispute, every President of the United States, every Secretary of War, and every departmental commander has had the conceded authority to drop from the rolls a private soldier according to his own just judgment and for any reason that might appeal to his wisdom and discretion.

EVERY SOLDIER APPRISED OF THE ARTICLES OF WAR.

So, Mr. President, it is understood both by the soldiers and by the enlightened public in this country that the contract of enlistment is a contract loose at one end and severable at any moment. When a soldier enters the Army of the United States it is required as a part of the ceremonial of enlistment that the Articles of War shall be read to him, either at the moment or within six days afterwards, and also the Regulations of the Army. It is true that if this be not done the enlistment will not be vitiated, but that is the order which we must presume is in general obeyed. Every soldier who enters the Army of the United States is thus apprised by his Government and notice is served upon him, so that he may be cognizant of the nature of the contract he is entering into, and that the President, the Secretary of War, the commander of a department, or a court-martial may dissolve it at any moment.

Colonel Winthrop, in his book on Military Law, has written as follows:

We have thus seen what enlistment really is—a contract, but a contract made with the State, under the specific authority of the Constitution, and thus governed by those principles or considerations of expediency and economy expressed in the term "public policy." We have already found that this peculiar contract, to which the Government is a party, is not necessarily affected by the rules of the common law especially applicable to the private engagements of minors. It is a further feature that while the necessities of military discipline require that the soldier should be strictly obliged by the compact, the State, on the other hand, is not bound by the conditions, though imposed by itself. Thus it may put an end to the term of enlistment at any time before it has regularly expired and discharge the soldier against his consent. So, pending the engagement, it may reduce the pay, or curtail any allowance which formed a part of the original consideration. The contract of enlistment is thus a transaction in which private right is subordinated to the public interest. In law it is entered into with the understanding that it may be modified in any of its terms, or wholly rescinded, at the discretion of the State. But this discretion can be exercised only by the legislative body or under an authority which that body conferred

INDISPUTABLE AUTHORITY OF THE PRESIDENT UNDER THE FOURTH ARTICLE OF WAR.

I have read the whole of this paragraph, Mr. President, and if any part of it might be brought in question it is the last sentence; but I wish to observe respecting that that the power of the President as Commander in Chief of the Army, as created in the Constitution of the United States, is one thing standing by itself alone. It is another thing when to it are superadded the Articles of War, which are specific and express authorizations to him. When there is one clear basis which no man has ever

questioned, which no man can be found to question, upon which a proposition rests, it seems to me useless to discuss the other. The Articles of War give as much power to the President of the United States to dismiss, or drop, or discharge a private soldier before the expiration of his term as they give to a general court-martial. They repose the same authority in a department commander and the same in the Secretary of War.

If in this case, Mr. President, the soldiers of the Twenty-fifth Infantry had been court-martialed and dismissed the Army, what would Congress have to do with it? They have been dismissed by a coequal agency of the law authorized in the same terms that the court-martial was authorized. What is the use or pertinence in this case of discussing whether the President, simply as Commander in Chief, could do it? There is full power conferred that stands foursquare to all the winds that blow in the fourth article of war, which is an act of Congress.

LEE, AS LIEUTENANT-COLONEL AND DEPARTMENT COMMANDER, COULD DISCHARGE A SOLDIER.

I may observe, Mr. President, though I intend to go but little into any of the numerous incidents of the expression of this power which have been related, that when Robert E. Lee was a lieutenant-colonel in the Army of the United States in Texas he dismissed soldiers of the United States from the service or disposed of them in the way summarily which has been brought to the attention of the Senate. He was not a President. He was not a Secretary of War. He was not a general officer. He was not even the colonel of a regiment; but he was a department commander, and so far from questioning his authority, it has been cited here as a precedent by debaters on both sides. One thing is very clear about him which is known of all men and to history, that he was an exceedingly intelligent and well-read man, and that he always sought to adhere strictly within the lines of military power and was never suspected of acting either hastily or from any selfish ambitions or any improper motive.

Now, Mr. President, I wish to turn my attention for a few moments to those Army regulations which, according to my humble conception of this case——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. DANIEL. Certainly, sir.

Mr. CULBERSON. I simply desire to invite the attention of the Senator from Virginia to what I understand to be the fact, different from the way he understands it, that Lieutenant-Colonel Lee at the time commanded a department, to wit, the Department of Texas.

Mr. DANIEL. That is what I said.

Mr. CULBERSON. I understood the Senator differently.

Mr. DANIEL. I said that although he was not a colonel of a regiment or a general, he exercised authority as department commander.

Mr. CULBERSON. I beg pardon of the Senator.

Mr. DANIEL. All right; no intrusion. It makes no difference as to the rank of the department commander. These authorizations in the fourth article of war apply to four agencies alike—that is, first, to the President; second, the Secretary of War; third, the department commander of whatever rank, and, fourth, to a general court-martial, which have equal and coordinate dignity, according to the act of Congress.

PARAGRAPHS 141 TO 148 OF ARTICLE 21 OF THE ARMY REGULATIONS AND THE REGULATIONS FOR COMPANY COMMANDERS.

Now, Mr. President, I now call attention to article 21 and to paragraphs 141 to 148, inclusive, of Army Regulations. These are not acts of Congress unless in a measure here and there. They are the Army Regulations, published, as I have heretofore stated, by the War Department and attested by Secretary W. H. Taft. It is manifest to the reader of pages 26, 27, and 28 that these regulations concern the normal discharges, commonly called "ordinary discharges," which take place in due course of administration at the expiration of a soldier's term.

It will be noted in paragraph 146 that it is only when "the company commander"—"company commander," mark you—not the President, not the Secretary of War, not a department commander, not a court-martial, but expressly:

> When the company commander deems the service not honest and faithful he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers, three, if practicable, to determine whether the soldier's service has been honest and faithful. The soldier will in every case be given a hearing before the board.

This is as plain as a pikestaff. It is the direction of the President to company commanders. It is wholly inapplicable when the process required has been rendered impracticable, indeed, impossible, by the paramount authority and decisive action of the President, the Secretary of War, the department commander, or a court-martial.

These regulations for company commanders were made by the President of the United States himself. We can not impute to him an intention to eliminate the paramount Articles of War, or to supervene his own authority under them. That would be a very unnatural inference. It would impute to him a self belittlement and abrogation. It would be a very unnatural and farfetched inference to imagine that the President sought to curtail his own power. It is not generally in the heart of man to curtail the power which has been given to him by others. Whatever other criticism has been made upon the present President of the United States from the other side of the Chamber, none have ever intimated that he was at present engaged in seeking to curtail his own power. In fact, some have delicately intimated that he was seeking to extend it beyond the lines which they would prescribe as legitimate and proper.

All these details, Mr. President, show that the discharges referred to in paragraph 146 are to be given by the company commander just as in the certificate and attestation of discharge which I read from the regulations of 1821. Before we get through with the series of provisions in the text of the regulations, let us note that they make manifest upon their face that this paragraph 146 did not intend to deal with, was not dealing with, and had nothing to do with those discharges which are comprehended in the fourth article of war, which concerns discharge before the expiration of service.

BLANK DISCHARGES FURNISHED UNDER THE REGULATIONS TO COMPANY COMMANDERS.

This is further made manifest in the declaration of the blank forms for discharge and final statements which are to be furnished by The Military Secretary of the Army, by paragraph 148, and in the prescriptions of the rule which apply to different orders of discharges. It is said in that paragraph 148, right upon the heels of paragraph 146:

> 148. Blank forms for discharge and final statements will be furnished by The Military Secretary of the Army and will be retained in the personal custody of company commanders. Those for discharge will be of three classes: For honorable discharge, for dishonorable discharge, and for discharge without honor. They will be used as follows:
> 1. The blank for honorable discharge when the soldier's service has been honest and faithful, in which case he would be entitled to character at least "good." Where the soldier's conduct has been such as to warrant his reenlistment, his service has been honest and faithful, and he is entitled to character at least "good."
> 2. The blank for discharge without honor when a soldier is discharged:
> (*a*) Without trial, on account of fraudulent enlistment.
> (*b*) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.
> (*c*) On account of imprisonment under sentence of a civil court.
> (*d*) Where the service has not been honest and faithful; that is, where the service does not warrant his reenlistment.
>
> Now, last—
>
> (*e*) When discharge without honor is specially ordered by the Secretary of War for any other reason.

THE CASE MARKED "E" IN PARAGRAPH 148, ARTICLE 21, OF ARMY REGULATIONS.

That is a case in which the regulations from which the distinguished Senator from Ohio, who has read paragraph 146 with emphasis, is by necessary terminology excluded. The captain of the company in this case, which is separated from the class of cases which he has considered, has nothing to do whatsoever and can have nothing to do with marking character one way or another, because in this case the Secretary of War has himself ordered that the dismissal shall take place "*without honor*," and thereby himself marked character in a neutral and colorless way—that is to say, "without honor," and also "without dishonor."

So, Mr. President, in the very text of the book from which the distinguished Senator has read is found the obvious and the manifest refutation of his conclusion.

THE TRUE CONSTRUCTION GIVEN BY THE JUDGE-ADVOCATE-GENERAL, GEO. B. DAVIS.

Let me say, Mr. President, that this view of the matter which I am endeavoring to present is the view of the matter which has obtained in the War Department of the United States and the view that obtained when those regulations thus made it manifest to be its view in 1804 first appeared. I have before me the opinion of the present Judge-Advocate-General of the Army upon this subject. If it were not plain from that text, it would become plain on reading the consideration that he has given to the matter. He calls attention to this section 146 and to section 148, and says:

> Paragraph 146 of the Army Regulations contains certain provisions which, if carefully read, will be found to be in entire harmony with the requirements of paragraph 148, above cited. Paragraph 146 applies *exclusively* to the case of a discharge at expiration of a soldier's term of enlistment and to the form of discharge which shall be used in that case, and provides that—

General Davis, the Judge-Advocate-General, further says in a memorandum before me—

the power of the President or Secretary of War to terminate an enlistment contract is conferred by the fourth article of war. As it is personally exercised by them, no regulations in furtherance of the article are necessary. If a company commander has a case in which he believes that the public interest requires that the contract should be terminated, he forwards it to the War Department, through military channels, and the Secretary of War, in passing upon it, exercises the discretion which is vested in him by the article by denying the application or directing that the discharge be issued. The only requirement of regulations on this subject is embodied in paragraph 140, which provides that in such a case the actual cause of the discharge shall be stated in the order directing its issue.

There are several grades of "character" which may be given on discharge, all depending on the conduct of the soldier during his term of enlistment. These are "excellent," "very good," "good," "fair," "bad," etc. To entitle him to reenlist the soldier must have at least a "good" character. If his service has been so unfaithful as to require his discharge prior to the termination of his enlistment contract, his character would be less than "good," and for that reason he would not be permitted to reenlist.

It therefore follows that no character is given when the discharge of a soldier without honor is ordered by the Secretary of War, and there is no occasion to give operation to paragraph 146, Army Regulations, in such a case.

When the President or Secretary of War orders the discharge of a soldier without honor, in the operation of the fourth article of war, the company commander is guided by the requirements of paragraph 148, Army Regulations, in issuing the discharge. Such was the case in executing the orders of the President for the discharge of the enlisted men of the Twenty-fifth Infantry at Fort Sill.

The requirements of paragraph 146, Army Regulations, appeared for the first time as paragraph 148 of the Army Regulations of 1895.

It will be found in this case, Mr. President, as in many other questions which we have been considering, that we have moved in the groove of the old English understanding of army enlistments. The loose nature of that contract, in so far at least as the Government is concerned, is well explained in the second volume of Clode's Military Forces of the Crown, page 40, where it is said:

Though an engagement is made for a term certain, the Crown is under no obligation to retain the soldier, either in pay or in arms, for that period, but may discharge him at any time. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and, equally, that the cause of such dismissal should not at the time be disclosed by the responsible ministers of the Crown

OPINIONS OF ATTORNEYS-GENERAL LEGARE AND CLIFFORD.

I will refer now to two opinions of the Attorneys-General of the United States, which were rendered sixty years ago. I refer to them, in the first place, to show the ancient and acknowledged basis of the military service of this country. I am glad, also, to refer to them to negate any suggestion from any source that those who affirm the rectitude and the constitutional propriety of the President's order in this case thereby indicate any tendency in their minds to favor autocratic or tyrannical government.

The first opinion in the fourth volume of the Reports of the Attorneys-General of the United States was rendered by Hugh S. Legare, of South Carolina. He was not only one of the ablest lawyers who ever gave his learning and genius to the service of this country, but he was also one of the most erudite and accomplished scholars of his time and one of the most brilliant essayists America has produced. It is true, Mr. President, that he came from South Carolina, but that never prevented him, as it has never prevented anybody who came from that State or from any other south of the Potomac, from declaring his honest judgment as to the meaning of our Constitution nor in upholding the power of the President of the United States and of the Army of the United States on all occasions where patriotism invoked adhesion or where clear understanding produced conviction. Mr. Legare, in that case, was called to give his opinion as to the power of the President of the United States to cause the name of a military officer to be stricken from the rolls without a trial by a court-martial, notwithstanding a decision in his favor by a court of inquiry ordered for the investigation of his conduct. He declared that it was "an absolute and tremendous power incidental to the Executive of the Government, who is only responsible to the country for a breach of a solemn trust." With lucid order he presents the views which actuate Senators upon this side of the Chamber now in supporting the President of the United States in the exercise of a plain and constitutional provision and a clear statute in the Articles of War.

LEGARE.

Attorney-General Legare said as to the power of the President to remove an officer:

It is obvious that, if necessity is a sufficient ground for such a concession in regard to officers in the *civil* service, the argument applies *a multo fortiori* to the military and naval departments. That the power is a tremendous one, and that, if tyrannically exercised, none can be imagined more intolerable and more revolting to a free people, are propositions which all will admit. That brave and honorable men, such as alone are worthy of a military commission, should be subjected to a capricious despotism which may not only deprive them of their profession, but even sully their good name, must be felt to be a case of very peculiar hardship.

As to the necessity of the power, he said:

Yet these considerations have not prevented nations jealous of their rights, and earnest in upholding and enforcing their laws against all prerogative, from acknowledging the necessity of such a power in the Commander in Chief of the Army and Navy.

This is the first opinion in this book.

CLIFFORD.

I read one which was delivered on November 24, 1846, by Nathan Clifford, of Maine, Attorney-General of the Administration of President Tyler at that time. As the first case related to an officer in the construction of the then exising satutory law, the one which I will now cite relates to a case of enlistment. The syllabus at its head is as follows:

By the laws regulating contracts for service in the Regular Army, all enlistments are required to be for the term of five years; and no discretion has been conferred to contract for such service, either conditionally or for a shorter term.

Wherefore, enlistments can not be lawfully made upon the condition that the soldiers are to be discharged at the end of the war with Mexico.

But while thus holding that the President could not extend or change the terms of the contract of enlistment, he sets forth that the Department of Justice of this country has ever held that the President might sever that term at any time.

By the Constitution—

He says—

the power to raise armies is vested exclusively in Congress; and the Executive Department, in carrying the will of Congress into effect, must conform its action to the authority conferred on it. The acts above mentioned, in my opinion, give no discretion to make the contract of enlistment for a shorter term than five years, or to annex a condition that the troops are to be discharged at the end of the war with Mexico.

And now comes the sentence that comprehends this case:

The Executive Department has discretionary authority to discharge before the term of service has expired, but has no power to vary the contract of enlistment.

That opinion, Mr. President, was made upon the very language in the fourth article of war, which we are now construing, and the book has been a sealed one and the question has not been mootable in legal circles, according to my understanding of it, since those days.

DECISIONS OF THE SUPREME COURT.

When we turn to the decisions of the Supreme Court of the United States, approving the very opinions I have cited, they are of the same tenor. I will content myself without quoting them, but ask leave to insert reference to them, as I do not wish to continue my remarks too long. I will, however, read a little from 3 Howard, 646, in which Justice Wayne gave the opinion:

The President sanctioned these regulations—

Says he, in speaking of the articles of war which cover this case—

and by doing so delegated his authority, as he had a right to do, to the Secretary of War, because it is done by him by the authority of law. The regulations of 1825, then, were as conclusive upon the accounting officer of the Treasury, whilst they continued in force, as those of 1836 afterwards were, and as those of 1841 now are.

In the case of Blake *v.* The United States (103 U. S., p. 227) the Supreme Court in 1880 reviewed the power of the President to remove an officer of the Army or Navy. It appeared that Charles Blake, a post chaplain, had resigned and that after his resignation President Hayes, by Executive order of September 28, 1878, and General Sherman, by order of October 2, 1878, had rescinded the resignation and restored Captain Blake to the list of post chaplains. In the meantime, however, Gilmore had been appointed chaplain in his place. It was held that the orders of restoration were invalid and that the President had exercised the power of removal by appointing the successor.

Judge Harlan, giving the decision, quoted the opinion of Attorney-General Legare which I have cited. He approved, also, the opinion of Attorney-General Clifford to the effect that there "is no foundation in the Constitution or any distinction in this regard between civil and military officers." He likewise approved the opinion of Attorney-General Cushing in Lansing's case declaring the President's right to remove a military storekeeper. "It is no answer to the doctrine," said Attorney-General Cushing, "to say that officers of the Army are subject to be deprived of their positions by court-martial, but a civil officer by impeachment. The difference between the two cases is in the form and mode of trial, not in the principle which involves in both cases the whole constitutional power of the President."

THE ACT OF JULY 17, 1862.

Judge Harlan in the course of his opinion (103 U. S., 234) showed the established practice in the Executive Department and the recognized power of the President up to the passage of the

act of July 17, 1862. On that day was passed an act to define the pay and emoluments of certain officers of the Army, and for other purposes, the seventeenth section of which provides that the President of the United States be, and hereby is, authorized and *requested* to dismiss and discharge from the military service of the Army, Navy, Marine Corps, or Volunteer Corps, any officer *for any cause which, in his judgment*, rendered such officer unsuitable or whose dismissal would promote the public service (103 U. S., 234). Judge Harlan shows that the law, in so far as legislative enactments are concerned in reference to dismissal of Army or naval officers, so stood until the passage of the Army appropriation act of July 17, 1866 (ch. 17, 14 Stat., 1892). That act repeals an act to define the pay and emoluments of certain officers of the Army approved July 17, 1862, and a resolution entitled "A resolution to authorize the President to assign a command of troops in the same field of the Department to the officers of the same grade without regard to seniority," approved April 4, 1862, and it was then provided "that no officer in the military or naval service shall in time of peace be dismissed from the service, except upon and in pursuance of a sentence of court-martial to that effect or in commutation thereof." It is this act in the appropriation bill of July 17, 1866, which now appears in the ninety-ninth article of war.

NOT A RACIAL QUESTION.

This, Mr. President, is no racial question. God forbid that the people of the United States shall raise racial questions where it is possible for them to avoid it. I have no particle of prejudice against the colored people. If I felt that they had been unjustly dealt with in this case, there is not a man upon this floor, as I solemnly believe, who would stand more ready to defend them. But, Mr. President, it is not the color of the soldier's skin that gives him any right of law or privilege. We should teach the colored men of the United States, even as we teach the white ones, that obedience to law, whatever that law be, is the first duty of a soldier and that the man who does not obey it shall feel its power.

It is very true, Mr. President, that in administration of law it can not be avoided that sometimes an innocent man shall be hurt. When General Lee dismissed a battalion from the Confederate service on account of ill action in battle he showed the delicate sensibility and high feeling which must actuate a man when he knows that his order must give pain and sorrow where it is not deserved, by saying that though some brave officers and men must suffer they should bear it like brave men. Innocence is a sacred thing. I would that no innocent man of the Twenty-fifth Infantry might suffer.

But all along the line of our history white battalions and white regiments have been disgraced, some more than the Twenty-fifth Infantry—some by generals of the Federal Army and some by generals of the Confederate army. No man ever thought that the disgrace came or the punitive or objectionable order came because they were of a particular State or because they were of particular color or section, and, while they grieved that those near related to them, either historically or otherwise, were afflicted, and some of them innocent, they submitted to the law, because they knew that the law was necessary for the administration of military justice.

INCREDIBLE THAT ALL THE OFFICIALS HAVE BEEN DECEIVED.

While, Mr. President, it may be possible, aye, it may be probable, that some of the men of the Twenty-fifth Infantry were innocent in this case, it is impossible that the whole people of Brownsville have been deceived. It is impossible that all the persons in the civil service of the Government in Brownsville have been deceived. In the nature of things it is incredible that every officer of the military and civil service of the United States who was on the ground or who had been there and taken cognizance of this matter has been deceived. If so, some hallucinating circumstance going on in the United States is leading to general lunacy and insanity.

There is another very peculiar thing about this matter, Mr. President, that while some have suggested—and one, I believe, has said that he even thought—that the soldiers were not guilty in this matter, with military officers in command of the department and of the city, with 170 soldiers in the city, with customs officers and postal officers, with officers of the Government sent there to inspect and look over all the res gestæ of the matter and all the surrounding circumstances, nobody at any time has suggested anybody else that did it except the soldiers.

It is true that there comes from far away, from a writer who can write briefs, a vague suggestion that the people of Brownsville, or some people of Brownsville, "shot up" their own town; tried to murder their own women and children; went out on the streets and killed the horse of the chief of police, and shot right and left in all directions in order to bring reproach on colored soldiers! In all the southern outrages I have ever heard of, whether they were spun by fable makers or not, it is the first time that the human mind has been distorted into the suggestion that a southern town was "shooting up" itself. In all towns, especially boundary or frontier towns, there are some miscreants who might do anything, but they could not do it without having some one soon getting on the trail of it. Whoever heard of any people from abroad or in a town shooting it up, shooting two or three hundred guns, murdering people in the streets, without it being somehow traced and finally the truth arrived at?

THE CONCLUSION OF THE PRESIDENT.

In the midst of these conjectures, we have the conclusions of many minds, of those that have perused the testimony and of those who went there and took the testimony. Let us see what these conclusions are, and, briefly, upon what they are based. In the first place comes the conclusion of the President of the United States. There is nothing in the history, there is nothing in the political career, there has never been anything in the conduct of the President of the United States to cause any man to infer that he would make haste, unguardedly, to take sides against any portion of the negro population of this country. Neither is there anything in his political affiliations or history to lead to the conclusion that he would be at all willing to defend a town or a community anywhere which had proved itself so lawless as it is alleged—unjustly—that Brownsville was. Read the President's message. It is clear and cogent. It is simply a conclusion that was forced upon his mind by the intelligent advice of his counselors and by scores of witnesses whose testimony in one shape or another was laid before him.

THE CONCLUSION OF SECRETARY TAFT.

The next man, Mr. President, who has summed up this case—and I wish to put his summary into the RECORD—is William H. Taft, the Secretary of War. He was not born in South Carolina, neither did he come from the Vallandigham district of Ohio. His antecedents are Republican. He has led a great career in the Republican party. His people belonged, as I understand, to the antislavery wing of that party. He was Solicitor-General of the United States and a practitioner at the bar. He became judge, and for some years administered justice in an honorable and a creditable manner, according to all accounts. He has held high positions in the East and in the West. He is not a man who "tears a passion to tatters." Whatever else he may be, he is a learned man; he is a gentleman; he is a scholar and a jurist. He has summed up this case under his oath of office, and has made report of it in his last annual report, which has been laid upon our desks. I wish, Mr. President, to insert extracts from his report in my remarks. It is like the summing up of a judge after he has heard the witnesses. I will point to one or two observations which he makes which are worthy of your notice.

The evidence makes it quite clear—

He says—

that the firing had not ceased when the men began to form in line, and therefore that all the guns with which the firing was done could not have been in the racks when the sergeants in charge of quarters went to unlock the racks, although they testified that they were there.

A second observation he makes in summing up of the testimony:

It is also certain that during the formation of the companies, or immediately after, the men who had done the shooting must have returned to their places so as to respond to the roll call or that some one answered for them.

One or two enlisted men testified that the first shooting was done outside the fort, that it was accompanied by cries indicating hostility to the soldiers, and that the bullets were directed toward the barracks.

Then he points out this fact, which leads directly to the door of truth:

Not the slightest trace of any bullet holes could be found in the barracks, and the great weight of testimony indicates that these witnesses were mistaken.

Then Secretary Taft adds, respecting the order of the President, a review of the case, as follows:

The order has attracted much attention and has been severely criticised as unjust because it condemns many innocent men to undeserved punishment. It is not improper therefore in this report to review the case and state the reasons which not only justified it, but made it necessary.

First. Out of a battalion of 170 enlisted men in the Army of the United States, from 9 to 20 men *formed a preconcerted* plan to revenge themselves upon the people of a town in which they were stationed for the insults they felt that the townspeople had heaped upon them. In accordance with the plan, they left their barracks under cover of the darkness—about midnight—and proceeded to discharge their weapons into the houses of the town for the purpose of killing those against whom they felt a grievance. They came very near killing some one or more of the three women and seven children who were sitting or sleeping in two of the lighted rooms into which they fired. They, in fact, did kill one man, wound another, and seriously injure the chief of

police. They accompanied their firing with expressions indicating the malice which prompted their action. There can be no doubt, therefore, that the squad of men who moved together from the fort to the town and did this shooting were guilty of murder, and murder in the first degree, and that if they were discovered they could be properly subjected to capital punishment. The purpose of one was the purpose of all.

Second. Within ten minutes or more after this crime was committed, when the whole garrison was aroused by the noise of the fusillade and by the call to arms which followed it, the guilty men returned to their places, and must have been among the last men to take their places, for the reason that the firing continued after the formations had begun. The absence of the rifles from the racks could not have escaped the attention of the sergeants who had the keys of the racks, if indeed they had the keys; and yet all the sergeants swear that the rifles were in the racks, untouched. Before the next morning, all the guns were clean. It is impossible that many of the battalion who did not take part as active members of the conspiracy to murder were not made aware by one circumstance or another of the identity of the persons who committed this heinous offense.

Third. Instead of giving to their officers, or to the military inspectors who were directed to make the examination, the benefit of anything which they knew tending to lead to a conviction of the guilty persons, there was a conspiracy of silence on the part of the many who must have known something of importance in this regard. Thus the murderers were taken back into the battalion and protected entirely from punishment.

Under these circumstances the question arises, Is the Government helpless? Must it continue in its service a battalion many of the members of which show their willingness to condone a crime of a capital character committed by from ten to twenty of its members, and put on a front of silence and ignorance which enables the criminals to escape just punishment? These enlisted men took the oath of allegiance to the Government, and were to be used under the law to maintain its supremacy. Can the Government properly therefore keep in its employ for the purpose of maintaining law and order any longer a body of men, from 5 to 10 per cent of whom can plan and commit murder, and rely upon the silence of a number of their companions to escape detection?

It may be that in the battalion are a number of men wholly innocent, who know neither who the guilty men are, nor any circumstances which will aid in their detection, though this can not be true of many. Because there may be innocent men in the battalion, must the Government continue to use it to guard communities of men, women, and children when it contains so dangerous an element impossible of detection? Certainly not. When a man enlists in the Army he knows that, for the very purpose of protecting itself, the Government reserves to itself the absolute right of discharge, not as a punishment, but for the public safety or interest. In such a case as this the inconvenience and hardship to those innocent of participation or knowledge, arising from arbitrarily terminating the contract of enlistment in accordance with the right which the Government by statute reserves, must be borne by them in the public interest. It goes without saying that if the guilty could be ascertained they should and would be punished; but the guilty can not be ascertained and the very impossibility of determining who are the guilty makes the whole battalion useless to the Government as an instrument for maintaining law and order. The only means of ridding the military service of a band of would-be murderers of women and children, and actual murderers of one man, is the discharge of the entire battalion.

Might not any community into which the War Department should send this battalion, in which it is known that there are from nine to twenty murderers, justly complain that the battalion is not a proper instrument for maintaining the supremacy of the law? Could we properly send such a battalion to the Philippines or Cuba to maintain peace or furnish an example of orderly conduct? If a similar outbreak were there to occur, could we relieve ourselves from responsibility for it on the theory that we could not detect the particular ten or twenty who were guilty of the first murder?

Suppose a dozen men of the battalion stationed at Fort Brown in time of a war with Mexico carried plans and ammunition to the enemy on the other side of the Rio Grande River, and then returned under circumstances which made it clear that a large number of men in the battalion must have known who they were, but that every man in the battalion denied all knowledge of it, and thus all means of detecting the guilty were lacking. Would a competent general for one moment hesitate, in the interest of the public, to disband the entire battalion and discharge it from the service in order to avoid a repetition of the danger?

Can a real and logical distinction be made between the crime of treason, under the circumstances supposed, and the crime of murder in this case? Both are capital offenses, one perhaps more heinous than the other, and more dangerous to the Government itself, but in both cases it seems to me clear that the Government must protect itself and the community to which it is responsible from a recurrence of such offenses, not by punishing guilty and innocent alike, but by separating both the guilty and innocent from the service, so as to deprive the guilty of a second opportunity for such a crime, even though this may result in inconvenience and perhaps hardship to the innocent.

It is a mistake to suppose that this order is in itself a punishment either of the innocent or of the guilty. A discharge would be an utterly inadequate punishment for those who are guilty whether of committing the murder, or of withholding or suppressing evidence which would disclose the perpetrators of such a crime. The use of the word penalty in the proceedings is a mere misnomer and is unfortunate. The dismissal from the service of the members of this battalion under the circumstances is not a punishment, however great the hardship. There is a dismissal technically known as a dishonorable discharge, which is only imposed by sentence by a court. This is a punishment. But the members of this battalion were not dishonorably discharged. They could not have been so discharged except after a trial. They were discharged for the good of the service, as the technical phrase is, "without honor." It is not a fortunate phrase, because so easily confused with a dishonorable discharge. It is called "without honor" to distinguish the discharge from a discharge with honor, or an honorable discharge, which indicates the termination, in due course, of a satisfactory service. An enlistment brought prematurely to an end for the good of the service can not be an honorable discharge. Hence the distinction must be made. The discharge "without honor" is merely the ending of a contract and separation from the service under a right reserved in the statute for the protection of the Government, which may work a hardship to the private discharged, but which, in the public interest, must sometimes be arbitrarily exercised.

But it is said that the order forbids reentry by the discharged men into the Army or Navy or civil service, and this is a penalty. When an employee is discharged for the good of the service, it naturally follows that he can not be taken back, and the President in formally stating this result is not imposing a penalty in the proper sense of the term. He is only laying down a rule of ineligibility for the service with respect to which it is his Executive duty to prescribe the rules of admission. Should hereafter facts be disclosed, or a new state of facts arise from which it can be inferred that the public service will suffer no detriment from reentry of any one of these men into the service, his ineligibility can be removed by a mere Executive order.

Much sympathy has been evoked for those who have been so long in the public service as some of the noncommissioned officers and others of this battalion of the Twenty-fifth Infantry. It is to be said with respect to these noncommissioned officers, that upon them especially falls the duty of maintaining the discipline of the companies and the battalion, and that by reason of their long service and from their official authority they have more influence over the men and more opportunity to learn the circumstances leading to a detection of the guilty in this case than any others connected with the regiment. Indeed, it was their peculiar duty to find out and disclose the facts, but they have failed to do so. It may be that they were not derelict in this. If not, then they have had the misfortune to be associated with men whose conduct and immunity from detection require the Government in the public service to exercise its reserved contract right of discharge against the entire body of which they were members.

The suggestion made in some quarters that this battalion has been treated in this way simply because the men are colored hardly merits notice. The fact of their color and the racial feeling aroused between them and the citizens of Brownsville may have been the cause and furnished the motive, but certainly not a justification, for the plot to murder men, women, and children; but to this extent only in explanation of the circumstances is the fact of their color at all relevant.

In a body of men sworn to uphold the law, enlisted as the instruments of maintaining the supremacy of the law, no obligation of comradeship, which would prevent one from telling the truth and detailing the circumstances that would lead to the conviction of his associates of murder, can be recognized by those in authority and charged with the responsibility of maintaining the discipline of the Army.

As to future exculpation, should it occur, he concludes:

It is possible that evidence may be adduced in future which will tend to exculpate entirely some of the men now discharged, both from participation in the crime and assistance in the conspiracy of silence to prevent the detection of the offenders; and whenever such facts are shown in respect to anyone affected by the order, they will be brought to your attention, and, I understand, will render such persons eligible to reenlistment.

THE CONCLUSION OF JUDGE-ADVOCATE-GENERAL DAVIS.

Gen. George B. Davis, Judge-Advocate-General of the Army, was an enlisted soldier of the First Massachusetts Cavalry in the civil war, and rose to his present rank from honorable and dutiful service, and is the author of a standard book on our military laws. Distinguished as both soldier and scholar, he has gone over this case from the standpoint of one who has long made military law a study, and has had much experience in the consideration of cases.

This is his conclusion:

In the case under discussion it is an essential incident of a judicial investigation that those who are aware of the wrongful acts committed should testify, under oath, as to facts within their knowledge. To defeat such an inquiry, a considerable number of enlisted men have entered into a criminal combination, in the execution of which they decline to disclose facts which are known to them touching the very serious offenses against public order which were committed at Brownsville, Tex., in August last. In that view of the case, the question presented is, Are men who enter into such a combination rendering honest and faithful service within the meaning of their enlistment contracts? In other words, Can men admittedly so disregardful of public authority be trusted and relied upon when upon an occasion of public emergency they are called upon to support it?

THE CONCLUSION OF INSPECTOR-GENERAL GARLINGTON.

General Garlington, thirty years ago, was appointed to West Point from the State of Georgia. He was born in the State of South Carolina. His ancestors were from Virginia. His family is one that has been identified with all the wars of this country, from the war of freedom of '76 to the recent wars from which we have just emerged. Whatever of distinction or of honor has come to him in the Army of the United States has come through the channel of merit and from gallantry displayed upon the field of battle. He wears upon his breast, when he may, a medal of honor conferred upon him for gallantry in war with the Indians. He wears upon his person a scar of battle with the Indians. He has risen by gallantry, efficiency, and by gradations of rank, by modest devotion to duty. There is nothing in his career or character or service or what he has done in this case to give just ground for any animadversion or criticism whatsoever. What he did he did as an officer in the usual way—as an officer. He declared his conviction as an honest man must and should, and he stands upon what he said, in the character, unsullied, of soldier and gentleman, unimpugnable and unimpugned.

What Inspector-General Garlington did let his superior, Secretary Taft, say (record, p. 304):

The facts as stated appear from the careful investigation and report of Major Blocksom, of the Inspector-General's corps of the Army, supplemented by affidavits and oral examinations of many witnesses, conducted by a citizen's committee at the invitation of Major Penrose, and

by the report of Major Penrose. Major Blocksom began his investigation three days after the occurrence.

Since the occurrence every effort has been made by the commissioned officers and, by competent military inspectors sent for the purpose, through cross-examination of each member of the company who was present in the fort that night, to find some clue by which the enlisted men who committed this crime could be detected, and not the slightest evidence tending to establish the identity of a single man has been forthcoming. All the enlisted men of the battalion were advised that if evidence was not forthcoming leading to the identification of those who planned and committed these murders and attempted murders it would become necessary to discharge all the men present at Fort Brown that night without honor, and to bar them from reenlistment in the Army or service in the Navy or in the civil service.

Inspector-General Garlington then examined every man who came within the operation of the proposed order and was entirely unable to elicit a single circumstance leading to the identification of the murderers. He became convinced that there was a conspiracy of silence in the battalion to protect the criminals, and while he conceded that there might be a number of men in the battalion innocent both of the crime and of suppression of evidence, he deemed it necessary in the interest and for the good of the service to recommend the issuing of the order which by authority he had told the men would be made and enforced unless evidence pointing to the criminals was forthcoming. This Department concurred in General Garlington's recommendation, and the President then directed the discharge of certain-named members of the battalion, which included all the enlisted men of the battalion who were present at Fort Brown on the night in question, without honor, and forever debarred them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. The order of discharge has been duly executed. A full copy of the proceedings and evidence is hereto appended.

General Garlington's conclusion was as follows:

CONCLUSION.

I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

It has been established, by careful investigation, beyond reasonable doubt that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown. After due opportunity and notice, the enlisted men of the Twenty-fifth Infantry have failed to tell all that it is reasonable to believe they know concerning the shooting. If they had done so, if they had been willing to relate all the circumstances—instances preliminary to the trouble—it is extremely probable that a clew sufficiently definite to lead to results would have been disclosed. They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls.

A forceful lesson should be given to the Army at large, and especially to the noncommissioned officers, that their duty does not cease upon the drill ground, with the calling of the company rolls, making check inspections, and other duty of formal character, but that their responsibilities of office accompany them everywhere and at all times; that it is their duty to become thoroughly acquainted with the individual members of their respective units; to know their characteristics; to be able at all times to gauge their temper, in order to discover the beginning of discontent or of mutinous intentions, and to anticipate any organized act of disorder; that they must notify their officers at once of any such conditions. Moreover, the people of the United States, wherever they live, must feel assured that the men wearing the uniform of the Army are their protectors, and not midnight assassins or riotous disturbers of the peace of the community in which they may be stationed.

No absolutely accurate verification of the rifles and men of the battalion was made on the night of the 13th of August in time to account for all the rifles or all the men at the beginning of the firing or immediately upon its conclusion. This failure is explained as follows: The commanding officer and his associates, when the alarm was sounded and they heard the firing, assumed that it came from the city of Brownsville; and that the guns were in the hands of civilians; in other words, that the garrison was being fired into from the outside by civilians. It does not appear to have occurred to any of them that certain enlisted men of the Twenty-fifth Infantry had possession of their arms, and were committing the crime of firing into the houses and upon the citizens of Brownsville, until the mayor of the city came into the garrison and informed the commanding officer, Major Penrose, that one man had been killed and another wounded by his soldiers.

CONCLUSION OF MAJ. A. P. BLOCKSOM.

Maj. A. P. Blocksom, of Ohio, inspector-general of the Department of Texas, investigated the matter on the ground and regards it as "a preconcerted raid." (Record, p. 63.)

He says:

From the evidence obtainable I believe the first shots were fired between B Company barracks and the wall separating post from town. A number were fired into the air for the purpose of creating an alarm. The soldiers, 9 to 15, possibly more, then jumped the wall and started through town. There is no reliable evidence to support the claim that the first shots came from town, and no bullet marks were found on barracks. From their direction, etc., I am sure three shots through Mr. Yturria's house came from a point near the center of B Company's upper back porch. A Mexican boy sleeping on the floor of the Yturria porch said they were among the first fired.

Mr. Randall lives over the telegraph office opposite post gate. A bullet went through his sitting room; it came from a point near the wall opposite southwestern end of C Company barracks. Some of the first shots fired also came from the vicinity of D Company barracks. The line of barracks of D, B, and C companies runs northeast to southwest. The wall between post and town is parallel to and about 75 feet northwest of line of barracks. An alley through town, perpendicular to wall, beginning at a point nearly opposite space between B and D Company barracks, was the line of operations (about three blocks in length).

The raiders first struck Cowan's house (at end of first block). There were two women and five children in it. It is a miracle some of them were not shot. The raiders could not help knowing they had not yet gone to bed. About ten shots were fired, nearly all going through house at a height of 4½ feet or less above floor. One shot put out the lamp sitting on a table. Mrs. Cowan has been on the verge of hysterics ever since. It is said the Cowan children had made fun of "the nigger soldiers;" but I could not pin down the reports. There must be some truth in them.

As to the lieutenant of police, he says:

The lieutenant of police, Dominguez, heard the firing and rode toward it, accompanied by two policemen. Near corner of Miller Hotel (end of second block) the two policemen turned back, but Dominguez kept on, and the raiders started firing upon him. He said there were about fifteen colored soldiers in the party. He was mounted on a white horse and went half a block after reaching corner of hotel, when his horse fell dead, shot through the body several times. The raiders were probably at the corner and continued firing on the fleeing man until horse fell. Dominguez was shot in right arm (afterwards amputated below the elbow). He did not even draw his revolver from holster. A number of shots were also fired at the other two policemen. Dominguez, many years on the police force, is universally respected. The raiders fired seven or eight times into the Miller Hotel, including several shots at a guest sitting by a window. After shooting Dominguez they divided. One party proceeded along the alley.

Frank Natus, bartender in Tillman's saloon (about two-thirds the way down third block), heard them coming and started to close the back door, but was shot and probably instantly killed about 20 feet from door. A Mexican in the saloon, Preciado by name, was slightly wounded in the hand by a bullet which passed through his coat. Natus had never had any trouble with the soldiers, as far as known. Five or six shots were fired through that back door. This party tried to get into the back door of another saloon, but it was closed.

The other party went half a block to the right, then turned to the left and fired five or six shots into Mr. Starck's house (second from corner on street parallel to alley), evidently mistaking it for Tate's (which is third). Bullet marks in Starck's house are higher than in Cowan's. Mrs. Starck said two shots went through mosquito bar over bed in which she and two children were sleeping. These were the last attacks, and raiders then probably ran back. Bullet marks were found on several other houses in vicinity of those already mentioned.

None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves. The soldiers were comparative strangers in town, having arrived only two weeks before. That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. The evidence of many witnesses of all classes is conclusive. Shattered bullets, shells, and clips found are merely corroborative.

Major Blockson made a supplemental report, in which he said:

With regard to the charge of prejudice, I am willing to let my reports, letters, and telegrams answer the accusation.

I investigated the Brownsville affair because ordered to do so in my capacity as assistant inspector-general of the Southwestern Division, not because I desired such an unpleasant duty.

I did not rely upon the evidence taken before the citizens' committee at Brownsville. It was natural for that committee to be prejudiced. It was, however, composed of the best people in town, and I was informed that the majority originally were northern men.

I relied primarily upon my own investigation of the witnesses to the shooting and its attendant circumstances.

I interrogated about fifty witnesses—men, women, and children—who either personally saw the soldiers do the shooting, or heard their voices, or were witnesses to some other important fact relating to the crime.

I had long conversations with other persons—women and children, lawyers, judges, merchants, policemen, old officers—both Union and Confederate—Federal, State, and county officials, saloon men, and laborers, etc.

I did not hear a single person express a doubt on the subject; all either knew or were convinced from universal report that the raid was made by soldiers of the battalion of Fort Brown.

Noting the bulk of the evidence as to particular circumstances, he says:

On page 5 [188] of the report of the Constitution League, etc., with regard to empty shells and clips, I have already stated I regarded them as corroborative merely. On the same page it is said: "The garments described correspond with the khaki trousers or blue shirts almost universally worn in the vicinity." I have already referred to this subject in answer to Mr. Gilchrist Stewart's letter. The rangers (only one or two in town on the night of the 13th of August) *do* look something more like soldiers than do the Mexican police, but neither could be mistaken for them. There were a few other persons in town who wore perhaps a cast-off soldier's garment or hat.

Is it contended that either rangers or police, or both, committed the crime?

On page 8 [190] same report: "Every man at the roll calls of the three companies were present or accounted for within five or (at the maximum) eight minutes of the first alarm; and this alarm was coincident with the first firing."

This is the most important statement of fact in the whole report. It is untrue, as shown from sworn testimony of officers, as well as men, in my reply to Mr. Stewart's letter.

And he adds:

"But, as I have previously said, I never believed the first roll calls were accurate. Officers and first sergeants thought the post was attacked by town people, and it is absurd to suppose they thought of roll calls first and defense afterwards."

The opposite view of this matter presupposes too much, Mr. President. Then he has something to say in regard to the affair of Mrs. Evans.

Page 16 [193] with regard to Mrs. Evans. I investigated this affair at the house to which Mr. and Mrs. Evans had moved after the assault—more than a mile from the garrison. Mrs. Evans was absolutely positive as to the fact of her assailant being a tall, colored soldier. I interviewed her husband also and he told me of her fright, etc., when he saw her, almost immediately after the occurrence.

Mr. and Mrs. Evans are unimpeachably respectable.

With regard to evidence that firing "seems to have come from the road in front of Company B's headquarters." The positive evidence which I found from long and careful investigation of three witnesses, Mr. Randall, Mr. Martinez, and Mr. McDonald (the first two living in the telegraph office, very near which the firing began), together with that of a boy (Teofilo) who slept on the porch of the Yturria House, and that of Mrs. Cowan, her servant and children, offsets the evidence from men in garrison, who were farther away. Much of the latter evidence is negative and indefinite (see sworn evidence, also, in Colonel Lovering's report).

I talked often with Judge Welch, quoted on page 24 [198]. He was convinced the crime was committed by colored soldiers of the garrison (as can be proved by several officials with whom he was associated). But he was a most fair and just man and recognized the fact that there was no evidence against individual criminals. I explained why in my report. It is unfortunate he was assassinated the day before the November election.

He finally observes:

With regard to the call to arms * * * it did not occur until several minutes after first shots were fired, and then by the order of the sergeant of the guard.

Now, here is his conclusion of this matter, from going to the scene of action, from talking to everybody, looking the whole ground over:

I believe he sounded it to create confusion, to get out and place arms in the hands of all men so that the raiders would not be discovered on their return. Not a shot struck anything or anybody in the post; how different was it in town.

CONCLUSION OF MAJOR PENROSE.

Maj. C. W. Penrose, of the Twenty-fifth Infantry, was in command of the three companies. He says in his report from Fort Brown, Tex., August 15. (Record, p. 31):

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.

From testimony gathered by the Citizens' Committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after checkroll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

GEN. A. B. NETTLETON'S CONCLUSIONS.

Gen. A. B. Nettleton won his spurs in the Army of the Potomac in the civil war. He has been an Assistant Secretary of the Treasury, and has been identified with the Republican party through his lifetime. He has been in no relation either to the people of the South or to the soldiers in this case that might possibly divert his mind from a calm and considerate judgment as to its nature. There annexed to the President's message is a letter written by that gentleman, on November 27, to the President. He has often spent his time in Brownsville and, as I understand, is now there. In terms of indignation he describes the situation, and here is what he says:

As a citizen and resident of Illinois, as an antislavery advocate when that phrase had a meaning, and as a life-long Republican who served in the Union Army throughout the civil war, I shall at least not be suspected of prejudice against men of color as such. I feel sure that only carefully disseminated misinformation as to the facts can account for the present gross misapprehension on the part of some persons and journals at the North.

Business interests bring me frequently to Brownsville, where I have found a particularly placid and well-ordered community. Arriving here immediately after the midnight attack upon this city by a part of the colored garrison of Fort Brown, I have improved my abundant opportunity for gathering, personally and privately, on the spot and at first hand, and for carefully sifting all material facts bearing upon the deplorable event. Without rehearsing details, I wish to assure you that an absolutely unprejudiced investigation, continued after all local excitement had subsided, confirms in every particular the conclusions reached by the two Army officers sent here by your Department, upon which the President has acted, as well as the clear and temperate statement sent out immediately after the tragedy by Chairman William Kelly, of the Brownsville citizens' committee. Captain Kelly is a veteran officer of the Union Army, president of the First National Bank here, and a citizen of the highest character, who could have no motive for magnifying the gravity of the occurrence. His associates on this committee and in its investigations included leading State, Federal, county, and municipal officials, all of whom were present in Brownsville on the night of the outrage and throughout the subsequent events. The committee's membership also embraced the most prominent private citizens of all vocations, including many of northern birth and antecedents. The committee's report is doubtless on your table or in your files. It constitutes the authorized, dignified, and sufficient utterance of this community, and it probably embodies the most conclusive and damning indictment ever found against soldiers of any race wearing the uniform and wielding the weapons of a civilized government.

Next to the window where I am now writing is a cottage home where a children's party had just broken up before the house was riddled with at least twenty-three United States bullets, fired by United States troops, from United States Springfield rifles, at close range, necessarily with the purpose of killing or maiming the inmates, including the parents and children, who were still up in the well-lighted house and whose escape from death, under the circumstances, was astonishing. On another street I daily look upon the fresh bullet scars where a volley from similar Government rifles was fired into the side and windows of the Miller Hotel, occupied at the time by sleeping or frightened guests from abroad, who could not possibly have given any offense to the assailants. Any day the Brownsville lieutenant of police, Dominguez, again on duty from hospital, may be seen carrying an empty sleeve because he got in the way of Federal soldiers from the adjacent garrison when they were shooting up the town. And not far away is the fresh grave of an unoffending citizen of this place, a boy in years, who was wantonly shot down while unarmed and attempting to escape the astonishing rain of bullets.

The well-attested evidence, controverted by none, is that the colored troops were treated here in Brownsville with the same consideration with which colored soldiers of similar bearing are treated in garrison towns of Northern States; that, on the other hand, the street conduct of some of them was often aggressively and causelessly insolent toward both white men and women; that one attempted assault upon a white woman was made by a negro soldier in uniform; that there was no known provocation for the murderous raid by the negro soldiers, unless it can be called a provocation that the drinkers among them were provided with separate bars in certain saloons, and that on two occasions individual insolence was resented by individual citizens, both of whom happen to have been Republican Federal officials; that there was no "riot" and no "street row," as many newspapers persist in calling the raid, but there was simply a cold-blooded conspiracy of the most cowardly possible sort to terrorize the entire community and kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the uniformed criminals outside of the garrison was well-nigh impossible. No defense being practicable, none was made. So far as I can learn, not a shot was fired by citizens at the attacking soldiers or at the fort. The soldiers were the aggressors from start to finish. They met with no resistance during their assault and had things their own way.

To one who knows the facts as I learn them here, and who therefore appreciates the enormity of the prearranged cooperative crime, the present attempt to make martyrs of any portion of the discharged men would be appalling if it were not grotesque. If the persons who actually did the firing could have been identified and tried, they would doubtless have suffered what they deserve—the penalty of a shameful death. Every soldier who possesses incriminating knowledge of the facts has, by refusing to testify, made himself legally as well as morally an accessory after the fact to the crime of murder. It equally follows, as it seems to me, that every member of the battalion who, however innocent personally both of actual participation and of actual guilty knowledge, has chosen to stand as a silent or outspoken champion of his suspected comrades, is himself morally implicated, and unfit to wear the uniform of an American soldier. He has shown himself an unsafe person to be employed as a defender of the public welfare and of the nation's honor. Inasmuch as, so far as known, not one member of the disgraced battalion has thus far seen fit to act the part of an honorable citizen and soldier by at least manifesting a willingness to aid the Government to fix the primary responsibility where it belongs, the entire membership of the three companies rightfully share a common ignominy. Besides, all the circumstances of the case leave very little doubt in my mind that a very large proportion of the command are in possession of knowledge which, if revealed, would lead to the prompt detection of the men who did the actual firing.

Without presuming to pass judgment upon any part of the conduct of the white commissioned officers who were in charge of the Brownsville garrison, which conduct is doubtless receiving the attention of your Department, I have been greatly surprised by several facts relating to the discipline maintained at the post. For example, at the outset it seemed amazing to me that neither the commanding officer, the officer of the day, nor the officer of the guard should have known anything of the bloody event. My amazement was increased when I learned that the officer of the day had, earlier in the evening, gone to his private quarters and not only removed his sword, but had undressed, gone to bed, and was sound asleep throughout the entire occurrence.

I believe no course other than the moderate and lawful one which he has pursued was or is open to the President unless all semblance of decent discipline in our Army is to be ended, and unless every American community, North and South alike, is to be given cause to dread the proximity of a negro garrison as it would that of an encampment of paid, armed, and uniformed assassins. "It is not a sectional matter. I find here little, if any, animosity toward colored troops as such. White soldiers guilty of like conduct would be dreaded and detested quite as much as black ones, and in Boston as well as in Brownsville."

These are wise words.

I sympathize with the colored people in their upward struggle in America against fearful odds. I believe the most damaging service that can be rendered them as a race in this their period of test and transition is that of championing or excusing the criminal element in their ranks, as some members of both races seem to be doing at the present time. Incidentally, this sanguinary Brownsville episode seems to mark a sudden and inexplicable reversion to unprovoked primeval savagery by considerable numbers of trained, veteran negro soldiers, which suggests serious thoughts upon the whole racial problem.

But that is anotner matter, and the present duty for every citizen, North and South, white and black alike, as it appears to me, is to acquaint himself with the facts in this particular case, as officially ascertained, and then voice his emphatic approval of President Roosevelt's necessary and admirable course in the premises. I can imagine no conduct on the part of members of a military garrison which would surpass in atrocity the Brownsville crime of August 13, and but for the fact that ironclad conspiracy of silence on the part of the entire force of enlisted men has thus far rendered detection and real punishment impossible the present sweeping dismissal would not be required.

It goes without saying that such discharge from service is not punishment. As punishment it would be farcical in its leniency. It is at utmost a severance of relations between employer and employed—a determination of the Government's responsibility for the conduct of men who have shown that they can not be trusted. It is to the last degree deplorable that adequate penalty can not be inflicted at this time, but in the absence of such penalty the good name of every colored soldier remaining in the Army, and of the colored race in America, demands that they unite with all good citizens in placing these criminals and their sympathizing comrades in the pillory of public execration.

When a man of character and service like that of General Nettleton—near the scene of action, knowing the people and mingling with them—goes out of his way to come forward and bear his testimony to the people of this United States as to the nature of a case, it is testimony, even if not admissible in courts, that can not fail to convey moral conviction to any enlightened mind.

CONCLUSION OF WILLIAM KELLY, ESQ., AN EX-FEDERAL OFFICER.

William Kelly, president of the First National Bank of Brownsville, was chairman of the citizens' committee. He is Republican in politics and was an officer of the Union Army during the civil war. His son married the daughter of Governor Odell, of New York.

He says in a communication which appears in the papers accompanying the President's Message, page 240:

At a few minutes before 12 o'clock a shot was fired from the post, apparently a signal, for immediately thereafter a volley was fired, and a body of soldiers, from sixteen to twenty-five in number, jumped the garrison wall—a brick fence about 3 feet high—formed under a non-commissioned officer, whose commands were heard, rushed into town, and commenced firing indiscriminately into the houses of the citizens. Into the house where but a few moments before between forty and fifty innocent children were enjoying themselves, over twenty shots were fired, riddling furniture and smashing mirrors and tearing hangings.

Mrs. Cowen and her children took refuge underneath a bed, through the covering of which one bullet passed. The shots were fired point blank to kill—most of them at the height of a man above the floors. A little farther up the street the house of Mr. Fred Starck had eight shots in it; one passed through the bed of his sleeping children and within 2 feet of where they lay.

* * * * * * *

The citizens' committee, appointed at a mass meeting the morning after the outrages, made these demands in behalf of our outraged people: First. Remove all the negroes; next, follow the guilty ones, and spare no efforts to have them identified and punished as their crimes deserve.

Fort Brown has been garrisoned by negro troops before, and no trouble has arisen between them and the citizens of Brownsville. Generals Shafter, Merriam, Doubleday, Corbin, Clous, Gilmore, Wade, Hatch, and many others of high rank have commanded negro troops here. There is probably less race prejudice in this community than in any part of the South; but when it becomes a question between the peace, comfort, and safety of our mothers, wives, daughters, and sisters, and the presence of armed negroes among us the armed negro must go.

The citizens' committee was selected from our best citizens; its chairman is a post commander in the Grand Army of the Republic and a companion of the military order of the Loyal Legion of the United States; one of its members is a vice-commander of the Grand Army of the Republic; another is quartermaster of the local Grand Army post; the remainder of the membership is composed of three doctors, four lawyers, three bankers, three merchants, two landowners, and three large owners of city property.

The mayor of the city is a well-known ex-army officer, and to his quiet firmness is due the fact that grave results did not follow the outrage.

The personnel of the committee will give assurance that they will "nothing extenuate, nor set down aught in malice."

WILLIAM KELLY,
Chairman Citizens' Committee.

CONSUL GRIFFITH'S CONCLUSION.

From across the river in Matamoros came another voice, Consul Griffith is an officer of the United States at the town of Matamoros. He was near the ground when this transaction happened. One significant fact. The house of Mr. Cowen had twenty-two bullet marks upon it. There was shooting in the street near the garrison. When the shooting was over, neither the garrison wall nor the garrison anywhere bore the mark of a bullet; but one house had twenty-two bullet marks upon it. If that does not show which way the rifles were pointed, the doubting Thomas who would disbelieve it would not believe though one should rise from the dead.

I myself—

Says he—

counted twenty-two bullet holes, and how the lady and her five children, who crawled under the bed, escaped death is almost a miracle. Not a shot had been fired by any citizen into the garrison, nor was any riot going on, as has been repeatedly reported.

He gives his view of the whole situation, and as he is an officer of the present Administration in a foreign part, and there is no proof that he was born in any part of this country which comes under animadversion, I will not inquire further into his residence or his antecedents.

THE SAME MILITARY LAW IS FOR WHITE AND BLACK ALIKE.

If, Mr. President, this had been a white company, whether from Connecticut or from Virginia, whether from Massachusetts or Maine, whether from Dakota or Indiana, we would have had no public meetings on the subject, no sermons would have been preached, no churches would have been aroused and diverted from their religious devotions. It has happened to some of the soldiers of nearly every State in the Union in the many wars which we have fought and in the many situations and difficulties which they have had to encounter to come under animadversion or censure or blame and sometimes of disgrace and shame. It does not belong to any community in this country to raise angels alone, and while we may all feel sensitive, and justly so when those near to us are touched, while we may all be willing to help and defend, and properly should, we must bide our portion when it comes to us, turn ourselves against wrong, whoever commits it, and try to possess our souls in fortitude and patience, submissive and subservient to law.

Now, I do not wonder that our colored people have been sensitive. Some of them have been taught here or there that this was unjust to them. No such idea ever entered the mind of the President of the United States, nor of Secretary Taft, nor Judge-Advocate-General Davis, nor of Major Blocksom or Major Penrose, nor of General Garlington, nor of Major Kelly, nor of the consul at Matamoros, nor of General Nettleton, nor has entered mine. I would feel ashamed to occupy a seat upon the floor of the Senate if I would not defend an Indian, a Chinaman, a Japanese, or a colored man if proof were brought to my mind that he had been tyrannically or unjustly treated. If there are innocent men in this company who did not know of this matter, I hope their innocence will be proved. But this is just one of those cases in which, although grand juries sought to get at testimony, inspectors of the Army tried to get at testimony, department commanders tried to get at testimony, citizens' committees tried to get at testimony, but one single fact appears demonstrated as a fact, and that is that some of these soldiers, their identity in person unknown, had shot up the town of Brownsville. This was proved as was there attested by Secretary Taft in his summary of the testimony, and I will not read over to you the individual witnesses. The soldiers were seen to climb over the wall, which is near the houses of Martinez and Cowan, and after they shot up the street in front of that wall, twenty-two bullet marks were found upon one house. On another square or so up the street the horse of the chief of police was killed and he maimed, and a little beyond another person killed. All the res gestæ of the transaction has convinced every man who has ever gone upon the premises and examined them.

THE PRESIDENT DELIBERATE AND PATIENT.

The President of the United States was slow to reach his conclusion. He did not go off halfcocked. From the 13th of August to the 4th day of October he plodded along as best he could investigating the case by officers upon the ground, by officers sent there, and by hearing adminicles of testimony borne upon the four winds by different personages who communicated with him. After he had heard it all he could reach but one conclusion.

Now, Mr. President, in that conclusion it may be, ex necessitate rei, not from the design of any man—even the will might be unwilling thereto—that some innocent soldier will suffer. We are told in the Good Book that the sun shines and the rains fall on the just and on the unjust. When calamities come the innocent are apt to suffer with the guilty. But this is also true, and especially about a soldier and a corps: You can not make a good soldier unless you make him feel that the honor of his corps is his honor. He must be ready at any and all times to speak up for the company and the regiment to which he belongs and be made to realize at all times that when he puts his uniform on and bears the insignia of his soldiership in that company and regiment he is its representative and spokesman.

SCORES OF WITNESSES.

Now, Mr. President, when the President of the United States says—and it is attributed to him, though I have not found the words except in an order given under his direction—that scores of witnesses bore out his conclusion in this case, I can not appreciate that that remark can be belittled, for if he did say so, he acted within the margin of the testimony laid before him and not beyond it. Major Blocksom says he examined about fifty witnesses, as I have shown, and the result of the testimony of these and other witnesses was laid before the President. When a military officer of the United States, in the discharge of his duty under his oath of office, reports a condition and the basis of that condition, and the whole matter is laid before the President of the United States, and upon his responsibility as an intelligent and law-abiding man, even though he may not have heard with his own ear and seen with his own eyes the witnesses who gave the observations which were reported to him, he, in his Executive character, does not sit like a court upon a bench to hear only technical testimony governed by rigid rules in litigated cases. Any kind of testimony that brings moral conviction may be the basis of his action, as it may be the basis of the action of a Senator here in giving his assent to a law.

THE FACTS OF THE CASE.

It will appear, however, in this case that the President of the United States did not rely alone upon those moral evidences which were brought to his attention, but upon official reports made to him by proper military officers.

So, Mr. President, if it comes to pass that it is definitely ascertained by judicious men, by men of all sections—by men from New York, Ohio, Illinois, New Hampshire, Michigan, Georgia, Massachusetts, and elsewhere—by men of all classes, by men of all points of observation that a certain number of a company or regiment have committed a great fault, it becomes the first duty of every one of those soldiers to go upon the trail, find out, expose the man who committed the fault, and see that the blemish upon their organization is removed. If they do not do it, what have they done? Proved themselves unworthy of the uniform they wear. If they can not do it, what have they done? Simply placed themselves in the misfortune of incompetency and disability. What must the Army do? What must the country do? What must the Commander in Chief do? He can not change military law because a man here or there may suffer. He has to teach *all* the soldiers in the Army what the duty of a soldier is, and what the honor of a soldier is, and what the law of the land is. Moreover, as he should only keep in service soldiers in whom confidence can be placed, he must discharge the company when knowing that the guilty ones amongst them can not be identified.

The President of the United States has done that in the most mild and moderate form that it was in his power to do. Some say he should have had a court-martial. The people of Brownsville—and to their credit be it said—Judge Welsh of their criminal court had a grand jury to investigate this matter. It was believed that thirteen men participated in this fiendish transaction. When you come to say, Was A B one of them? nobody could identify A B, or C D, or E F, or G H, or I J, or K L, to the end of the alphabet. But while no man could spot the individual, many men could spot the soldiery, for they saw the soldiery when they jumped over the wall. They saw their forms in the night as they fired their rifles. They found twenty-two bullet holes at the end of the mouth of those rifles. They found the dead horse, the crippled man, and the corpse of a citizen, and the cartridge shells, and they know of the terrorism and the murder and the bloodshed that ran riot in that town.

We are up against this unfortunate condition in the complex affairs of human life. The men who were innocent must take their portion and bide their time. I have, somehow, faith that there is an angel that watches over the innocent that somewhere at some time will entertain him unawares. I do not fear that, if there be innocent men, somewhere at some time the evidence will come forth that will acquit them.

But, Mr. President, as all this matter was confined within the circle of the companies, as yet it has been impossible to identify individually the criminals, though the group that holds them has been identified. So, then, Mr. President, let the investigation proceed. Get all the evidence you can. Go down to Brownsville again to get it, but do not let us impugn the President, who has executed the military law, which exacts discipline. Do not let us challenge the Articles of War, which the Congress enacted and which Congress after Congress has recognized and which have been in existence for a hundred years. Do not let the people of this country—North, South, East, or West—feel that they are, in any city or any vicinage, at the mercy of any mob.

MOB LAW IS NO MAN'S LAW.

Mob law is no man's law. It should be no country's law.

When the mob attacked the trains of the United States and the post-office arrangements of the United States in the city of Chicago, in Cleveland's Administration, the Democracy of the Senate did not believe that they were standing for autocratic government when they approved the President of the United States in sending armed men there to protect it; nor did the people condemn either the Senate or the House, which unanimously indorsed him. I had the honor to offer the approving resolution in the Senate which was unanimously indorsed; and I beg to state, Mr. President, that the people of my section, the people who are represented here from all over the South, stand for law and for order and for the Constitution and for the recognized officials of this Government to be supported and sustained wherever they act within the purview of their power.

Do not tell me, sir, that this is friendship for autocracy. It is simply friendship for government. It is simply respect for law, and when men who proclaim these doctrines are pointed to as having a tendency to join those who are for centralization and consolidation and for piling up autocratic powers, I repudiate the suggestion. Let me point them to the voice of Hugh S. Legare, of South Carolina, of sixty years ago, one of the advisers of the then President. Let me refer again to the voice of the venerable jurist from Maine, Nathan Clifford, and say that in those voices you have the law and the prophets of the Democratic creed of this land; the American creed which in this matter the President stands for.

EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. DANIEL's speech,

The VICE-PRESIDENT. The Senator from Virginia will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. GALLINGER. Mr. President, I had intended to offer an amendment to the pending bill, the unfinished business, and to make a few observations concerning it, which would not occupy more than a few minutes. But as the Senator from Virginia has the floor, I will defer that until after the Senator from Virginia concludes, if the Senator from Wisconsin will ask to have the unfinished business temporarily laid aside.

Mr. LA FOLLETTE. I ask that the unfinished business may be laid aside until the Senator from Virginia concludes.

Mr. WARREN. I ask leave to present two amendments to the bill which the Senator now asks may be laid aside, in order that they may be printed. I have in mind what the Senator from New Hampshire also has in mind, to make some observations when the time comes. I shall be glad if the amendments may be printed.

The VICE-PRESIDENT. The amendments will be printed and lie on the table. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside until the conclusion of the remarks of the Senator from Virginia. Without objection, it is so ordered. The Senator from Virginia will proceed.

Mr. DANIEL. I thank both the Senator from New Hampshire and the Senator from Wisconsin for their courtesy.

After the conclusion of Mr. DANIEL's speech,

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. GALLINGER. Mr. President, let the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The unfinished business will be laid before the Senate.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Certainly.

Mr. FORAKER. I only wanted to inquire whether any other Senator desires to speak to the resolution this afternoon. If not, I will ask that it may go over until to-morrow, as it did yesterday until to-day—that is, to be taken up after the routine morning business.

Mr. CULBERSON. Before that order is adopted I simply desire to suggest that I understand the Senator from New Hampshire [Mr. GALLINGER] desires to have the unfinished business now taken up.

Mr. GALLINGER. That is my purpose, I will say to the Senator.

Mr. CULBERSON. I have no objection, of course, to that, and I would be very glad to accommodate the Senator, but if he did not want to go on now there might be observations to be made on the pending resolution.

Mr. GALLINGER. I will venture to suggest that it is not an accommodation. The bill is the regular order.

Mr. CULBERSON. The Senator probably misunderstood me. I did not mean in the best sense of the term that it was an accommodation, but that it would be my pleasure to hear the Senator.

Mr. GALLINGER. And it is my pleasure, I will say to the Senator, to make any arrangement that will facilitate the consideration of the matter which has just been under discussion.

The VICE-PRESIDENT. The Senator from Ohio asks that the resolution respecting the Brownsville matter may go over until to-morrow, to be brought up after the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER. Mr. President, the bill under consideration——

Mr. McCUMBER. Mr. President, I was not listening, and I do not understand about the unanimous-consent agreement. Let it be stated again.

The VICE-PRESIDENT. The unanimous-consent agreement was that the resolution regarding the Brownsville matter shall go over until to-morrow morning, to be laid before the Senate at the conclusion of the routine morning business.

Mr. McCUMBER. I object to that, simply because three or four times we have made arrangements——

The VICE-PRESIDENT. Will the Senator from North Dakota suspend until the Senate is in order?

Mr. McCUMBER. With the understanding that the resolution simply goes over and that I may proceed in accordance with the notice which has been given, I withdraw the objection.

Mr. FORAKER. I will say to the Senator from North Dakota that when the resolution comes up I will yield to him to address the Senate under his notice.

EMPLOYERS' LIABILITY BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. GALLINGER. Mr. President, an examination of the bill under consideration reveals the fact that it was introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] and amended by the committee by striking out the entire text of the bill and substituting other language; and that during its consideration twenty-five amendments were offered to the bill, which are now pending, eight of those amendments having been offered by the Senator from Wisconsin himself.

I state this fact, Mr. President, for the reason that on yesterday the Senator from Wisconsin [Mr. LA FOLLETTE] came to my desk and inquired if I desired to further debate the bill. I said to him that I had an amendment which I proposed to offer, to which I would address myself very briefly. An afternoon paper of to-day, in speaking of this bill, has a headline which reads, "Plot Bill's Death," and then it goes on to state—

> The friends of the bill are not certain just what will be the tactics of the opposition. It is expected, however, efforts will be made to amend the bill and, perhaps, to weaken it by this indirect method of attack. Senator GALLINGER of New Hampshire has already advised Senator LA FOLLETTE that he has one or more amendments to propose.

Mr. President, I have been here a good many years, and I never before heard it intimated that it was not entirely proper for any Senator to offer an amendment to any bill that was under consideration, nor have I ever before heard it suggested that such action could properly be construed into an effort to defeat a bill. As I have just suggested, the Senator from Wisconsin has himself offered eight amendments to the bill, which amendments are now pending.

Now, Mr. President, the amendment that I propose to offer to the bill is as follows, and I will ask the Secretary to read it.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. Add as a new section the following:

> SEC. 5. That nothing in this act shall be construed to prohibit or in any way interfere with the employment, with their consent, of men whose hours of labor are affected herein, upon runs, single or turn, which, in the reasonable judgment of the officers of the respective railroads and of the men so employed, can be completed, in the ordinary course of the business of the carrier, within sixteen hours.

Mr. GALLINGER. Mr. President, before saying a word in advocacy of this amendment I desire to put in the RECORD the action of several divisions of the organization known as the Brotherhood of Locomotive Engineers, which have been sent to me protesting against the passage of the pending bill. I will not take the time to read them, but ask that they may be inserted in the RECORD.

The VICE-PRESIDENT. The letters will be inserted without reading, if there be no objection.

The matter referred to is as follows:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
PORT JERVIS DIVISION, No. 54,
Port Jervis, N. Y., September 13, 1906.

Mr. JOHN WONDERLY.

DEAR SIR AND BROTHER: At a regular meeting of Division No. 54, September 11, 1906, the letter you sent to Brother Kelley, in regard to certain measures which was to be presented to the legislature in regard to passing laws for the safety of employees and the traveling public, was read and, after talking the matter over, the vote was taken, and Division No. 54 voted as being opposed to such becoming a law, as our men considered it would be against the best interests of our men, and I was instructed to notify you of the above action.

C. CASKY, *First Assistant Engineer.*

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
GALION DIVISION, No. 16,
Galion, Ohio, September 19, 1906.

Mr. JOHN WONDERLY, *Huntington, Ind.*

DEAR SIR AND BROTHER: At a regular meeting, held in Galion, September 18, 1906, it was resolved that division is bitterly opposed to the bill limiting the hours of service of employees on railroads, which is now pending in Congress.

Yours, fraternally,
JOHN J. DAZE,
F. A. E., Galion, Ohio.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
LAKE SUBDIVISION, No. 302,
Chicago, Ill., October 2, 1906.

Resolution passed by Division 302:

"That we are not in favor of Interstate Commerce Commission regulating the hours of labor for engineers, as it would in many cases be a hardship on engineers to get within a few miles of home sometimes and have to stop for rest."

[SEAL.]
GEO. BODLEY,
First Assistant Engineer, Division 302.

DUNMORE, PA., *September 24, 1906.*

Mr. JOHN WONDERLY,
Chairman General Committee of Adjustment, Erie System.

DEAR SIR AND BROTHER: Believing that the proposed new law limiting the time that an engineer may remain on duty to a certain number of hours would work great hardship on us and seriously interfere with the business of the railroads: Therefore, be it

Resolved, That we, the members of Division 403, Brotherhood of Locomotive Engineers, are opposed to the passage of any law limiting the hours that an engineer may remain on duty.

Fraternally, yours,

[SEAL.]
A. E. FINCH,
Chief Engineer.
C. E. COLLINS,
First Assistant Engineer.

HUNTINGTON, IND., *September 30, 1906.*

At regular meeting of this division, held September 30, a motion was made and carried that this division does not approve of the enactment of a law as outlined in circular presented to this division.

Respectfully,

[SEAL.]
WM. MCCLURE,
First Assistant Engineer.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
HUDSON DIVISION, No. 135,
Jersey City, N. J., September 20, 1906.

Mr. JOHN WONDERLY.

DEAR SIR AND BROTHER: Your letter in reference to correction of proposed schedule and the proposed bill at Washington was read at our last regular meeting. The members present were not in favor of such a bill becoming a law, but owing to the small number present action was deferred until next meeting, when it is likely that a resolution protesting against the passage of such a bill will be adopted. I received the ballots O. K. and have distributed them among the members, and about two-thirds of them have been returned. With best wishes to you,

I am, yours, fraternally,
JNO. L. VAN ORDEN.

Mr. LODGE. Will the Senator tell me, before he goes on, at what point he proposes his amendment?

Mr. GALLINGER. As a new section.

I will also ask consent to insert in the RECORD copies of two letters and a series of resolutions. The first letter is from W. C. Gurney, general chairman Order Railway Conductors, Delaware and Hudson system, and the resolutions were adopted by the same organization and signed by their chief officers. These are copies of letters that were sent to Hon. W. P. HEPBURN, of the House of Representatives, chairman of the Committee on Interstate and Foreign Commerce, and which, I think, have not been put in print before.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The matter referred to is as follows:

18 MUNSELL STREET, BINGHAMTON, N. Y.,
December 22, 1906.

Hon. W. P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

SIR: Referring to my letter of even date inclosing resolution adopted by the conductors of the Delaware and Hudson system running out of Whitehall, beg to say that I have been over the entire system and have talked with practically every conductor employed on the system and find that they are unanimously opposed to any legislation bearing on the hours of service of employees in train service, as they very much prefer to continue to arrange the hours of service directly with the management of the railroad.

I inclose herewith a copy of our agreement with the management of this company, and would especially call your attention to rules No. 30 and No. 42, which were proposed by the conductors and trainmen and agreed to by the management. In going over our system to ascertain the sentiment of the conductors in regard to the proposed bill I have come in contact with a large number of employees in the train service of other railroads in this territory and found that the men had not been consulted in regard to the proposed bill and knew nothing of it, and when their attention was called to it were very much opposed to it. They did not favor any legislation on the subject, as they preferred to settle that matter direct with the management through their schedules. Any legislation which will make it necessary for the employees in the train service to spend their rest time away from home instead of at home and with their families is a serious one, and should be very earnestly considered before it is passed. It affects the railroad men in the Middle and Eastern States, and they should be given an opportunity to be heard in the matter. The bill has been handled in such a manner that they have had no knowledge of it and no opportunity to pass on it, and I pray that you may have action on the bill postponed until all the men affected may have an opportunity to enter their protest against it.

Yours, truly,
W. C. GURNEY,
General Chairman Order Railway Conductors,
Delaware and Hudson System.

18 MUNSELL STREET, BINGHAMTON, N. Y.,
December, 1906.

Hon. W. P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

SIR: I beg to acknowledge receipt of your favor acknowledging receipt of the resolution expressing the desire of the members of the Order of Railway Conductors in relation to the sixteen-hour bill now pending before the House of Representatives.

I note you say Mr. Fuller was before the committee and urged the passage of this bill. For your information I would say that Mr. Fuller has not consulted us in regard to the matter. He has not even advised us that such a bill was pending before Congress, and we but very recently learned that such a bill was being considered. I am informed that other orders of railway employees in this sectioin have been ignored in a similar manner.

The proposed bill would work the greatest hardship to employees in the train service in this section of the country, and I think Mr. Fuller should have given us an opportunity to express our views in regard to it.

Most respectfully, yours, W. C. GURNEY,
General Chairman Order Railway Conductors,
Delaware and Hudson System.

Whereas there are now pending in the Congress of the United States measures intended to take away from the men employed in the train service of interstate railways the right to dispose of their services under conditions and upon terms satisfactory to themselves; and

Whereas the nature of the railway business imposes conditions little understood by the general public, among them the fluctuations in train movement from week to week, month to month, and season to season, which create corresponding variations in the quantity of train service required and consequently in the demand for the labor of trainmen; and

Whereas the efficient handling of the public business intrusted to interstate railway carriers requires the arrangement of the runs of train crews so that in many cases the distances covered can not always be traversed, when conditions are at all adverse, within sixteen hours, and this is especially true of what are known as "turn" runs, which, however, are universally preferred by train crews because they permit the layovers to be spent at their homes, with increased comfort and reduced expense; and

Whereas the restriction of the hours of labor, by imposing a statutory maximum of sixteen hours, with exceptions only in case of casualties occurring after the runs begin, would require the railways to keep upon their pay rolls a greatly increased number of men to handle the traffic at the period of its greatest volume, but many of whom would be idle much of the time during most of the year, and would thus greatly reduce the average annual earnings of all classes of trainmen; and

Whereas the railway trainmen of the United States are of full age, possessed of sound minds, equipped with an intelligent comprehension of their own interests and of the business in which they are engaged, and are therefore fully able to look after themselves in their dealings with their employers: Now, therefore, be it

Resolved, That we, the members of Division 45 of the Order of Railway Conductors, condemn any legislative proposal for the restriction of the number of hours during which railway trainmen shall be permitted to dispose of their labor, and that we especially protest against the passage of the bill known as S. 5133, introduced by Senator LA FOLLETTE, or any similar measure; and

Be it further resolved, That W. C. Gurney be, and he is hereby, directed to transmit these resolutions to the Senators and Members of Congress from the State of New York, to the chairman of the Committee on Education and Labor of the United States Senate, and to the Speaker and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives.

[SEAL.] F. W. MILLER,
Chief Conductor Division 45, O. R. C.
R. O. HUMPHREY,
Secretary and Treasurer Division 45, O. R. C.

Mr. GALLINGER. Mr. President, I have no disposition to defeat this bill if it can be put in proper shape. I have a disposition to perfect it as far as it is in my power to accomplish that result. I take it for granted that the bill is to pass in some form or other, and I prefer that it shall pass in proper form rather than in an improper form.

The amendment I have offered simply contemplates that it shall apply on certain short runs, and I will cite three or four of them as an illustration. For instance, between Boston, Mass., and Concord, N. H., the latter city being my home, ordinarily the men can make a run to Concord and return to Boston within the sixteen hours, but under some circumstances a slight delay may occur, and it is impossible for them to reach Boston in exactly sixteen hours. If this bill is enacted without a provision such as I have proposed, the men would have to lay off at Concord, 75 miles from their homes, a new crew would have to be recruited to send with the train to Boston, or else the train itself would have to remain in Concord for eight or ten hours for these men to have the rest that is contemplated by the provisions of the bill. What is true of that run is likewise true of the run from Boston to East Deerfield, Mass., and from East Deerfield to Rotterdam or Mechanicsville, N. Y., and there are many other similar instances that might be cited. Any one of the round trips that I have called attention to can ordinarily be made in sixteen hours, but if a slight delay occurs, the men, under the provisions of the bill as it now stands, will haye to lay off at the first terminal instead of working a brief time longer and then returning to their homes and taking a day off there with their families.

A protest has come to me from some of these men saying that this would be a great hardship to them; that they prefer to work a short time over the sixteen hours and to return to their homes and then to have the day off at their homes, enjoying the companionship of their families.

As I said a moment ago, if they are denied this privilege, a new crew will have to be looked up to make the return trip, necessitating great delay, or else the train wil' b'ave to remain there until these men have had their rest.

Mr. President, I know that in some instances the men desire to make these runs as round trips, even though at times a little more than sixteen hours may be required. That is a matter of personal knowledge on my part. I know also that some railroads in their agreements with their men provide that they shall not be required to work more than sixteen hours consecutively, and that they shall be given ten hours' uninterrupted rest before being called upon to resume their work; but in contingencies the men gladly give and are expected to give a little more additional time before taking their rest.

All that my amendment contemplates is to permit the railroad companies, with the full consent of their employees, to allow trifling additional time on a run where ordinarily sixteen hours is a sufficient time in which to make the run. That is all there is to the amendment, and it seems to me that it is a wise and judicious provision.

I have offered several other amendments to the bill which are in print and which Senators can examine for themselves. I shall hope that those amendments may be agreed to. The Senator from Ohio [Mr. FORAKER], the Senator from Mississippi [Mr. MCLAURIN], and the Senator from Wisconsin [Mr. LA FOLLETTE] have also offered amendments which, as a rule, are wise provisions and, if agreed to, will greatly improve the bill.

I have no disposition to delay the consideration of this bill. I have had no disposition to unduly delay it at any time, but I have felt that it is a very far-reaching measure and ought to receive the most careful consideration of the Senate. If it is to pass this body, it surely ought to be amended in many particulars; and if not so amended, it ought not to pass. It seems to me that we are in duty bound to take notfce of the fact that we do not want a rule so exacting, so inelastic that it will work to the disadvantage of the very men whom we are attempting to legislate for. If we can come to an agreement to put into the bill an amendment such as I have to-day suggested, that will at least relieve the men in certain cases of what they deem to be a hardship, and it seems to me that we ought all to be agreed that that is a wise thing to do.

This is all, Mr. President, that I care to say to-day on the subject.

Mr. WARREN. Mr. President, along the same lines that the Senator from New Hampshire [Mr. GALLINGER] has addressed the Senate, I wish to say a few words. It is sometimes a good plan to hear from the people and to add their judgment and thought to our own judgment upon any given question.

This bill has been much discussed in the newspapers. Railroad people generally know that such a bill is before the Senate and the day set aside upon which to have a vote.

Up to this time I have not heard from a single person—railroad owner or railroad employee—one word favorable to the bill. I have been receiving hundreds of letters about it. I have between 100 and 200 letters and telegrams here now on my desk from employees of western railroads, every one of them protesting against the bill in its form as before us.

Of course it is difficult for anyone to understand now what may be the outcome of the numerous amendments offered both by the mover of the bill and by others on the floor. The two amendments which I offered earlier in the day are to provide for the same contingency as the one just offered by the Senator from New Hampshire, with a further provision that some trips may be made as round trips where there is a short interval for rest or sleep between the outgoing and return part of the trip.

The Senator from New Hampshire has quoted the run from Boston to Concord, N. H.

Now, we will take, for an example, my home in Cheyenne, Wyo.: There is one run, which is 110 miles, to Sidney, Nebr. Another run is 106 miles, from Cheyenne to Denver. Another is 56 miles, from Cheyenne to Laramie, over the mountain. While the runs have been changed a little from time to time in the last thirty-five years, yet nearly all of the time it has been considered and is now considered, by both those who are in charge of the road and the trainmen themselves, the best policy to make runs out and back with a short interval of rest in the middle of the run and a long layover at home. The reason for an arrangement of this kind is obvious. The men living in Denver, Cheyenne, Laramie, and Sidney all have equal privileges. All have long lay overs at home with but very short lay overs at the other end. Thus the best service is secured and the employees made most prosperous and happy.

The man owns his home—the railroad men in that country nearly all own their homes—and is at home most of his resting hours with his wife and children, instead of at some boarding house away from all that he holds nearest and dearest. If the trainmen can run out seven to nine hours, have a rest of three to six hours, come back home in seven or eight hours, and then have from twenty-four to thirty-six hours at home, they are kept in better condition, physically and mentally; they are in better condition as railroad men to be exact and correct in the performance of their duties; their expenses are kept within some reasonable limit; the temptation to spend time in saloons and places outside their homes is lessened; the road is better served; the public is better served, and the men themselves are far better cared for than if it were provided that every rest shall be at least for ten hours, whether at home or away, for if you enforce a longer lay over away from home the inevitable result is to shorten his stay at his home. For instance, a man lives in Denver; he runs to Cheyenne and arrives at 11.30 at night, if on time; he goes out in the morning, say, at 6 o'clock; that is but six and one-half hours. In those six and a half hours, from 11.30 until 6 o'clock, he gets more rest than many a Senator of this body gets here in Washington between the time he goes to bed and the time he must get up in the morning and attend to the duties that surround him, and in which he is enlisted for the benefit of his constituents.

Now, the man arriving at Denver, his home, has all of one night and half of one day and all of another. Unless the bill is in some way amended to take care of men like that—men who have been railroading for ten, fifteen, twenty, and even thirty years, and have families and homes at similar places—unless these men can be considered, unless such runs can be considered and permitted, we had better not legislate at all.

I do not wish to take the time of the Senate, but I ask permission to insert in the RECORD certain letters. I have one here written by the chairman of the general protective board of Brotherhood of Locomotive Firemen and Engineers. He makes a very good statement of the case, and I ask that it may be spread upon the record, so that we may have it before us prior to the time we vote upon this measure.

The VICE-PRESIDENT. The letter will be printed in the RECORD without reading.

The letter is as follows:

GENERAL PROTECTIVE BOARD,
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEERS,
UNION PACIFIC SYSTEM,
Cheyenne, Wyo., December 31, 1906.

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

MY DEAR SIR: Referring to my telegram, dated at Omaha, December 29, reading as follows:

"The General Protective Board of Brotherhood of Locomotive Firemen, Union Pacific Railroad, desires that you consider this a formal protest against the passage of so-called 'sixteen-hour law,' the purpose of which is to limit the hours of service of railway employees. Letter of explanation follows."

I desire to give you briefly some of our reasons for protesting against the passage of this bill. If it becomes a law, it will unquestionably decrease the earnings of all railway employees engaged in train service, as the companies will shorten their passenger and freight districts, in order to enable them to get trains and crews over the road within the sixteen-hour limit, and as a matter of protection will increase the tonnage of trains in order to offset the expenditures incident to shortening of districts and the operation thereof. A greater number of men will have to be employed so the railroad companies will be in a position to comply with the law, as it necessarily will cause men to lay over at terminals greatly in excess of the ten hours' lay-over clause provided in the bill, and for this reason therefore it will require more men, and they can not possibly make fair average mileage and earn fair monthly wages, as they are paid on a mileage basis.

Trainmen's living expenses away from home will be increased about 33⅓ per cent over the present system on account of their being required to be away from home terminals so much longer. The railroad companies will pool engines and cabooses, which has been tried heretofore and resulted very unsatisfactorily. Trainmen away from home terminals live in and prepare a great many of their meals in their cabooses. Pooling the engines and cabooses will prevent this being done.

A large percentage of railroad employees in train service own their own homes, representing the savings of a lifetime. In this western country a great many of the terminals are what might be termed "railroad towns," and are supported almost exclusively by employees of railroad companies. If terminals are changed, such towns would be abandoned and the loss to employees would be enormous, practically meaning the financial ruin of many of them. It would also deprive the children of employees of educational advantages which they now enjoy, as it would be years before similar facilities would be available at the new terminals.

It is now impossible to man western railroads with experienced men. The passage of this bill would require the company to largely increase their force, which could only be done by employing new and inexperienced men, thereby creating greater risk and hazard of accident than the overworking of men could possibly cause. It would also make the positions of railroad employees in train service less inviting, and a great many of our old men would seek other avocations, thus increasing the number of new men in the service. The experienced railroad men alone realize that a great number of accidents to-day are caused by the "student" or inexperienced man, and they only can appreciate the care and vigilance which must be exercised in watching the movements and actions of new men in connection with the operation and safety of life and property intrusted to their care. If the public realized as does the experienced railroad man, the element of danger that exists in introducing new men into the service, it would be very reluctant in giving support to this measure.

The compulsory ten hours' rest clause in the bill will compel men to tie up at times for rest at points where there are no accommodations, and at the end of ten hours they will be in worse physical condition than if they had continued to the end of their run.

Passenger and freight runs on the western railroads are adjusted so that under normal conditions the men make their runs within the usual hours constituting a day's labor. Excessive number of hours on duty is the exception, not the rule.

The apparent object of this bill is to materially reduce the number of accidents, the number of hours on duty, and the tonnage of trains, in order to get them over the road at a higher average rate of speed. So far as the accident feature is concerned, there has never been an accident on the Union Pacific Railroad to our knowledge caused by employees being on duty an excessive number of hours. Regarding the reduction of the average number of hours on duty and a reduction in the tonnage of trains, it will have the opposite effect, for, as stated above, the company in order to protect itself and offset its increased expenses made necessary by shortening the districts will increase the tonnage, and instead of having over 80 per cent of its trains averaging less than twelve hours over the district, as is the case on the Union Pacific to-day, and has been for some months, the greater percentage of the trains will average closer to the sixteen-hour limit on account of the increased tonnage.

Yours, truly, C. V. MCLAUGHLIN.

Mr. WARREN. I have here three very short letters of the general character of several hundred which I have received, and I ask that these three may be read at the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

LARAMIE, WYO., *December 28, 1906.*

Hon. FRANCIS E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: After consulting several friends in regard to the matter, I write you with reference to the La Follette sixteen-hour bill, which I understand soon comes to a vote in Congress. I hope you will do what you can to defeat the measure, for it will certainly result in great loss to railroad employees. It would mean new terminals for our runs, the moving of our homes, possibly a decrease in salary, and we trust you will represent us by voting against it.

Yours, very truly, J. J. STOREY, *Conductor.*

CHEYENNE, WYO., *January 2, 1907.*

Hon. F. E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: I have been in the service of the railroad company a good many years, and I can remember of no time when we were not able to make satisfactory arrangements with the railroad officials as to the number of hours we should remain on duty at one time. If the bill is passed by Congress fixing the maximum limit of continuous service at sixteen hours, and attaching a heavy penalty for a violation of the same, it would work a great hardship on all train men and cause great difficulty to the officials of the roads in making out their schedules, etc.

I would ask that this question receive serious consideration before an arbitrary measure of this kind is passed.

Yours, respectfully, R. W. RICH, *Conductor.*

RAWLINS, WYO., *December 29, 1906.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.

DEAR SIR: In the matter of the La Follette bill, I understand that the question has been raised that a man on duty sixteen hours is no longer safe to handle a train intelligently and with safety for his and other trains. The question naturally arises as to whether a man would not handle a train in better shape, say in the seventeenth hour, if he knew that his run would end shortly, than he would in the first hour after his legal rest had expired, and after he had been forced to take such rest and lodging as the circumstances would permit. I believe that the average railroader would prefer the seventeenth hour, thereby ending their run, being to less expense and physically more comfortable.

Sincerely, yours, W. T. HUBORTT, *Engineer.*

Mr. WARREN. I believe I will venture to ask the reading of one more letter. It is a letter from perhaps the oldest conductor, in point of service, on the Union Pacific, certainly one of the oldest, a man who is at present city trustee and president of the council of the largest city in the State of Wyoming—its capital, Cheyenne.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHEYENNE, *January 1, 1907.*

Hon. FRANCIS E. WARREN.

MY DEAR SENATOR: I take this opportunity in expressing my condemnation of Senate bill 5133, to be introduced by Senator LA FOLLETTE, of Wisconsin. This bill, in my opinion, as well as those of my colaborers whose sentiment I voice with mine, is a blow to every railroad man's constitutional right, that right which every American holds dear. You know, my dear Senator, that for years the rail men, like your humble servant, has made Cheyenne his home. Everything he has saved he has also invested in his home. He has raised his family at his district terminal. He has taken a pride in educating his children in the public schools here, and now if this bill, which is to be introduced at an early date, passes, it will change all of our lay-over points to Green River, a town that has no schools of any consequence, also no places of amusements, no sewer, no water, and no sanitary conditions. You know, my dear sir, that as a railroad man that they know best what they want. Now, for instance, if at any time during all my years as conductor I asked the company for rest at either end they have always granted that rest when asked for, and, as you are well aware, no man running on any railroad would, if not fit, take any chances with his own life and the lives of his passengers; also including destruction of so much of the company's property, which he has intrusted in his care. "A railroad man is becoming, it

seems to me, a serf" through too much legislation. Now, my dear sir, from my own knowledge of accidents occurring, in almost every case it has never been caused by want of rest, but from want of experienced men. If you can at any time legislate to compel railroads from hiring the student element, which they now do, caused by the scarcity of men, it would do more to prevent accidents than anything else that I know of. With the Union Pacific the making of schedule is quite a hardship, caused by circumstances over which they have no control. They must make their schedule to conform to arrival of train of connecting railroads and can not equalize the lay over at terminals, as would be if not connecting with other lines. Every train out of Cheyenne to Green River give their men all the rest they require. I have the shortest lay over at Green River of any crew running out of here. I get six hours' rest there and forty-two at home, which is all we require. And in conclusion, my dear sir, will say that when it came to the knowledge of railroad men that such a bill was to be introduced it caused universal indignation, calling meetings of all classes of the operating departments, protesting against the passage of such a measure, and now, dear sir, it is the earnest wish of all of your railroad friends that you and Senator CLARK and Congressman MONDELL do all in your power to defeat this bill, and by so doing you will receive the just approbation of all concerned.

Very respectfully, yours,

ADAM J. SCHILLING.

Mr. WARREN. Mr. President, I am going to ask, without reading the letters on my desk, that the names of the writers may be included in the RECORD, though not the letters themselves, as all tend to one point. All are against the proposed measure.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming that the names of the writers of these letters may be printed in the RECORD? In the absence of objection, it will be so ordered.

The names referred to are as follows:

F. M. Armstrong, engineer, O. O. Fozgrand, B. F. Draper, H. Huddleston, W. O. Burns, John Doyle, conductor, William A. Mills, conductor, J. A. Wascher, J. F. Stevens, E. W. Williams, passenger conductor, T. E. J. Fagan, E. C. Paine, conductor, W. H. McCussick, conductor, G. C. Bowen, F. M. Taylor, freight conductor, W. C. Wolcott, B. Shirkey, J. E. Heath, conductor, E. Catlin, brakeman, Frank Simpson, Hugh J. Morgan, S. C. Morgan, C. B. Peterson, M. H. Hogeman, Guss Wallis, E. W. Bateman, brakeman, W. F. Freel, C. M. Graham, locomotive engineer, Allie Campbell, W. H. Lereck, F. K. Bostick, A. E. Buirge, E. E. Bowman, William Naughton, B. W. Thompson, Henry J. Morgan, W. H. Luckett, C. W. Brown, James Owens, Seth Sharpless, jr., Thomas B. Morris, conductor, E. Corthell, Angus Matheson, W. M. Keigley, C. J. Davis, W. L. Clark, Charles Ruggs, Barrington King, brakeman, F. E. Pattee, conductor, A. P. Higgins, conductor, William D. Whitley, H. J. Murphy, I. E. Carpenter, brakeman, Charles Stone, J. M. Jamison, A. V. Beardmore, William Powell, E. Gregory, Ole Olson, R. L. Blachley (two letters), H. H. Palmer, brakeman, J. E. Stewart, brakeman, D. T. Garrity, brakeman, H. B. Harris, conductor, C. G. Wolcott, D. S. Wolcott, passenger conductor, J. C. Rutter, brakeman, F. F. Davis, brakeman, R. White, brakeman, C. A. Welch, P. L. Van Cleave, conductor, W. P. Abbott, conductor, L. H. Wright, conductor, George Morgan, conductor, Lawson Fox, conductor, William Berry, conductor, W. H. Whitney, conductor, George B. Lear, conductor, E. T. Garrity, conductor, William Matheson, conductor, H. H. Mosteller, conductor, J. H. Rankin, conductor, Bert Shroy, fireman, A. M. Moore, fireman, H. G. Ryan, engineer, H. C. Hood, engineer, Henry Gross, fireman, J. C. Graham, engineer, Paul Banks, locomotive fireman, C. Christensen, engineer, C. A. Killen, brakeman, William Harlon, Fred Williamson, R. W. Rankin, Ralph O'Shea, brakeman, A. Shroeder, brakeman, W. A. Boseley, brakeman, G. W. Phillips, conductor, H. I. Raub, conductor, W. H. Hannum, conductor, R. Woodward, conductor, C. H. Isherwood, conductor, R. E. Henke, C. W. Brandt, fireman, J. J. Pavert, brakeman, Raymond Shearburn, brakeman, B. C. Dodds, fireman, John McGarry, fireman, R. Hagerty, engineer, Earl Brown, fireman, F. L. Owen, brakeman, E. J. Sullivan, William Storey, A. M. Seibert, J. T. Garrett, C. B. Cady, Robert G. Shingle, passenger conductor, J. N. Marks, conductor, F. S. Bevans, John Kelly, O. T. Sheldon, J. R. Sherlock, R. H. Johnstone, fireman, W. C. Winston, locomotive fireman, T. J. McKenna, brakeman, H. W. Williams, conductor, Michael Burke, brakeman, John Daugherty, engineer, W. F. Belk, brakeman, D. T. Nichols, Henry Miller, engineer, Thomas Joyce, conductor, W. H. Parker, conductor, H. W. Allen, W. L. Kimsey, brakeman, E. Kennedy, conductor, Bert Tipton, engineer, F. E. Kitselman, conductor, George S. Hobbs, Henry Lane, engineer, E. M. Conner, Adam J. Schilling, John M. Watson, Charles U. Blood, D. G. Clay, A. J. Sanford, G. W. Argue, F. W. Munn, R. R. Moore, and E. J. Kerrigan.

Mr. WARREN. I also have a letter from a railroad superintendent, one who commenced as a brakeman and is now general superintendent of the Union Pacific. He hits the nail on the head and with sledge-hammer blows. I sincerely commend his remarks to the attention of each and every Senator.

He says:

Hon. F. E. WARREN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: * * *

A bill has been introduced in the United States Senate and will come up for vote January 10, 1907, making it a misdemeanor for any railroad official to *permit* "any employee in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when, by casualty occurring after such employee has started on his trip, he is prevented from reaching his terminal; or to permit any such employee to go on duty without having had at least ten hours for rest."

Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hours of rest, to a fine of $1,000.

It is made the duty of all United States attorneys to bring suits for these penalties, and the agents, attorneys, and detectives of the Interstate Commerce Commission are required to investigate for violations of the law.

This bill is the most pernicious measure yet proposed affecting railroad employees. It strikes at the very homes of hundreds of thousands of American citizens who have been guaranteed, under the Constitution, liberty and equality. * * *

Terminals can not possibly remain where they are now located should this bill compel the railroads to operate them differently than at present. Once a law, protests of the employees against such changes will avail nothing in the face of such drastic and enormous penalties. A letter written on this subject protesting against the proposed law will enlighten many who have not heretofore given the matter thought.

The bill is objectionable to the public, to the railroads, and the employees. It will affect the public through the business world. The currents of traffic often become clogged, and it requires extra effort to clear the stream. Should the railroad men depart from their strenuous methods and take up the easy-going, slow ways of older countries, the entire business community would, from necessity, slow up as well. It may be to-day they are required to move a stock rush which involves immense loss to the owners if not gotten to the market before a certain time—the closing down of winter, perhaps. Again, a certain fruit crop is to be harvested within a given time; the gleaners are working from sunup to sunset; the railroad men are expected and are willing to do their share. *A coal famine may be threatened; industries are about to shut down;* the lights of a city to go out; the railroad men are equal and willing to meet the emergency; and so on might be mentioned thousands of cases where extra effort is occasionally required for the public good. These calls for extraordinary effort are not the rule, but the exception. Those in every walk of life are called upon occasionally to render such effort to the public welfare. It is done at no abnormal risk. To have such opportunities brings out that which has given the United States its commercial supremacy.

The three great human avocations are production, manufacture, and transportation. Can we produce from the soil agricultural products more economically or scientifically than the peoples of older countries? There are few others with whom we compete that can not do better. Do we manufacture better articles than our fellow mechanics and artisans of our fatherlands? It is conceded that we do not. Do we transport more quickly and economically than those countries where labor is cheaper and more plentiful? It is universally admitted that we do. Then herein lies our commercial supremacy. Is it wise to throttle or extinguish the effort that gives to the business man the advantage? Such laws, if placed on the statute books, will as inevitably do so as the sun rises and sets. Our country is not yet ready to sacrifice the only advantage it has heretofore enjoyed to follow the will-o'-the-wisp—that to change our present method of operating railroads in this one particular will give us exemption from accidents. Few there are of experience who can be thus deceived. It must and will come in a different direction, but without this great injury to business methods. Business men are always impatient of delays and slow time, although they get the benefits thereby of economic operation in rates far below their competitors in foreign lands.

The proposition to restrict effort to surmount occasional congestions will fall directly on the business world and nowhere else, except upon the employees of the railroads, whom it is intended to convert into easy-going, leisurely, methodical plodders, penniless, much like those in similar vocations in other countries.

It will not, as alleged by its promoters, lessen the risk of accident. Railroad men will concede—and it can not be disputed—that an engineer or conductor is more apt to go to sleep after twelve hours' sleep, followed by twelve to eighteen hours of idleness just before going on duty, than if held on duty sixteen hours. It would be more sensible to legislate to compel him to lay down and sleep ten hours immediately prior to going on duty under these circumstances.

There are times in seafaring life that crews must work the ship extraordinary shifts; history does not record serious results, nor would a law be proposed to prevent. On the contrary, such human effort has been lauded in song and story. Ships have been brought through storms and emergencies, the lives of its passengers and the property of its owners saved, by such brave, commendable, extraordinary human endeavor to render at times heroic service.

If a general were compelled by law to always confine his army to certain hours of duty, strategy would vanish and the victory go, by change, to the slothful or the mediocre. Such interference would paralyze human endeavor and extinguish the stimulus of emulation.

Is it not true of the statesman that he works with superhuman effort to rise above the common level? If he shall make a place in history, he can not govern his work by set hours; there is not sufficient time as it now is.

The business man who rises above the ordinary does so by extraordinary effort, be it physical or mental. Many fall by the wayside, unequal to the task; suicide, insanity, or other dire results frequently befall the weaker or unfortunate. Shall we have a law restricting them to certain hours of effort?

The mechanic who desires to rise above the common level well knows that his ear must be oblivious to the shop whistle.

In an emergency the successful ranchman must risk his life and those of his employees to rescue his property from storm or danger. Shall we have a law prohibiting this? And so on, in every important walk of life those who do things at some personal inconvenience and risk are the heroes of the business and social life. When such effort is deprecated or prohibited the survival of the fittest ceases to become the law of nature, and a government advocating such policies is surely on the decline. As all nations have declined and will decline to the end of history in all probability, can it be that we have reached the apex, and the croakers against present methods are about to prevail and send us down the decline thus early in our history? I think not; but it behooves all interested in the continued prosperity of this country to refuse to listen to the mistaken ideas of misguided reformers. They can do great harm unintentionally, but there is thereafter no recourse. Change the habits of this nation along certain lines and they will remain changed for all time to come. The great majority are willing to slow up and take things easy; the incentive to strong personal effort on the part of the masses is not deep-rooted.

The work of railroad train employees is not physically trying or "brain-straining," as many who are not conversant therewith contend. On all excessive runs there are opportunities for relaxation from responsibility, and absolutely no excuse for neglect of duty.

The proposed law will not lessen the risk of accident for other reasons. Those now on record, caused by employees who have been on duty over sixteen hours, are infinitesimal as compared with the great number of accidents from other causes and the enormous number of train movements—only four in the entire United States each year that might be directly charged to overwork. The records of the Union Pacific disclose not one that can be attributed to this cause.

The law will certainly increase the liability of accident, as it is ab-

solutely sure to bring into the service a larger proportion of new and inexperienced men, from whence the greatest source of accidents now come, as is well known to practical railroad men and can be demonstrated by statistics of the railroads, which will also show that at least 50 per cent of the old and tried, thoroughly experienced men have clear records, and from them no risk of accident is to be expected. Another 25 per cent are on the records for carelessness and minor infractions of the rules. The discipline is almost wholly confined to the remaining 25 per cent, which consists of the floating element, which is to a great extent more or less irresponsible and inexperienced. It is generally conceded that it costs a railroad about $3,000 to "make" an engineer out of one of its firemen, and perhaps nearly as much to "make" a conductor. The "student"—the new man in service—is a source of anxiety and trouble to all who have anything to do with his education. The mistakes he may unwittingly make are apt to bring injury not only to himself, but upon the balance of the crew. How anxiously the engineer lying on a siding watches the green head brakeman as he wanders toward a switch over which a limited train is due to pass. By a simple twist of the wrist the novice can hurl a hundred souls into eternity. The master mechanic knows full well that the newly promoted engineer will do something that will reflect on his judgment in promoting him. How anxiously he watches each trip, asking the trainmaster or assistant superintendent how it was accomplished. Even the new experienced men employed from other roads are the bane of a freight district; they do not know the grades, get in the way of more important trains, misuse the air, and must be watched by all of the older men to prevent serious accidents from occurring through their negligence, ignorance, and, frequently, inefficiency and indifference. They are the easy-going ne'er-do-wells, the floating population of the railroad forces, from which the ranks will be greatly increased when this bill becomes a law—and worse, the older men will soon cease to do the extra work required to keep them out of trouble; it will become too great a burden of responsibility.

Under the provisions of this bill the positions in train and engine service will be made much less attractive to good, reliable men and drive from the service the more desirable material, which is now valuable in its own capabilities, as well as through its influence on the weaker element, through the abrogation of the existing schedules which guarantee to the train and engine men a reasonable monthly salary. Under the proposed law it will be necessary to greatly increase the number of engine and train crews to insure the stipulated lay-overs at each end of the respective freight runs. This, in time, will compel the pooling of both engines and cabooses, as railroads can not be expected to hold their equipment at each end of the road idle over one-half of the time it is available. The engines and cabooses will be manned with different men each trip. What conductor does not want his own crew, and how seriously he contemplates taking out a strange man even for one trip? Enginemen are familiar with the trouble caused by green firemen or even one who does not know the eccentricities of the enginemen—just how he works the engine, where he shuts off, and a thousand other necessary moves that must be made in unison or without consulting each other and which constitute good railroading. Baseball clubs, football teams, and boating crews, and all those things which require the best human effort and the practical elimination of the possibility of mistakes are trained continually and always together. To take one man from such teams weakens and frequently defeats them. It may be said that it will be unnecessary to break up the established methods and that crews will remain intact. Do not be deceived; the inevitable will be, first in first out, for engineer, conductor, brakeman, and fireman. They will assemble to take out trains, strangers to each other's methods. Chaotic conditions will follow, which are always in turn followed by accident. Exemption from accident is brought about by a corps of well-trained, intelligent, loyal, sober, industrious, and thrifty set of men. That such an organization may be thrown out of its equilibrium through occasional rushes of business and the taking into the service of inexperienced men is well known in railroad circles and consequently feared by the rank and file as well as by the officials in charge.

Conductors, enginemen, brakemen, as well as train dispatchers and district engine foremen are aware that, owing to the irregularities of freight service it is, at present, almost impossible to use the men so as to keep all of them in the service a sufficient number of times during the month to enable all to earn the minimum salary. Crews, from necessity, at times remain at one end of their runs as much as twenty-four to forty-eight hours, waiting for trains. To make up such losses, the crews at other times will run without the long lay overs, doubling back from the terminal at which they do not reside, and in this way balance up only a reasonable monthly pay check. Passenger enginemen and train crews on nearly every railroad in the United States "double back" on their runs, and have always done so. They desire to spend a reasonable part of their life with their families at home, to assist in the education and government of their children, to better curtail their expenses in order that a "rainy day" may be provided against. If they are required to spend three-fourths of their time away from home instead of one-third, they will not be apt to thank their representatives, nor will it secure one iota of additional safety to compel them to take this additional burden. On the contrary it will have a very pronounced effect in the opposite direction. It has been for many years the aim and purpose of all the railroads in this country to inculcate in their employees the highest possible standard of moral rectitude and compliance with good rules of health. They have been encouraged along these lines to become home builders, appreciating that the home insures more efficient and stable forces. We have always found that when train and engine men were compelled to take long lay overs away from home the temptations to which they were exposed under such circumstances always lead to bad results and is the cause of a great deal of trouble to the men as well as the railroads. When a crew has been on the road six or eight hours, in running over their division one way and has had time to obtain a short rest it is always their desire to return home as soon as possible. This ambition has been referred to by the advocates of this measure as in some way reprehensible, even criminal, or at least they would make it so by this law. As a matter of fact it is highly commendable and indicates a true American citizen—the individual who is the strength of the nation. Any tendency to deprecate the home adds to the army of tramps and hobos of whom we now have and are making entirely too many. Then why destroy more homes—rather encourage those who appreciate the true source of strength of this nation—even though it may be unconsciously? They should, in turn, be appreciated by the nation, which is fully aware of their worth. The proposed law will militate against the continuation of the present practice. This we consider as one of the most important reasons why such a law should not pass.

On nearly all railroads, by reason of the encouragement to home building, the men congregate and have their homes at the division terminals and at the most desirable end of their run. These towns, no matter how small, are usually provided with school, church, and social advantages; while the town at the other end of the run is apt to be of less importance in this respect and to have a tendency to cater to the baser elements in the employees. Such towns usually have numerous saloons, gambling houses, and dens of vice, into which every effort is made to lure the men. They would probably not think of visiting such places in their home town, but might be influenced to do so at the other end, where they are apt to think such practices can be indulged in surreptitiously. The rest is easy. Even if they are strong enough to resist the temptations of idleness away from home influences, the added expense of living under these conditions, paying room rent and board, discourages frugality and precludes the possibility of their ever accumulating a competence, let alone sufficient to rear and educate their children as they are entitled to do for yet a time in America, "the land of the free and the home of the brave." The avocation is hard enough and, with the expense incidental, none too remunerative.

It is simply preposterous, although the argument has been strongly used to influence the men in favor of the bill, that its adoption will cut the trains or lessen the tonnage. Railroads can not use passenger engines on their freight trains and run over the road on fast time to avoid the penalties of the law. If the men will stop for a moment and consider what it means to cut off even 100 net tons from each freight train run in the United States, they will dismiss any such idea. This 100 tons pays all the dividend; it is the profit that induces investments in railroad securities, and without it money would seek other channels; the railroads would, to some extent, become impoverished; needing money they would dispense with the many conveniences, in many cases luxuries, that are offered to the men at present. So long as possible, the managers would avoid such contingencies and endeavor to keep up the profits. To accomplish this the terminals would be cut to more nearly 100 miles; the men could have ample lay over at each end and no more at one end than the other. Taking the engines and cabooses in turn, as they arrived, the tonnage could be greatly increased; the wages of the individual would go down. * * * The men are, therefore, more interested in letting present conditions remain as they are. Whatever they lose in wages, time away from home, or inconvenience, is irretrievably lost, as an appeal to the Government will avail nothing; it moves too slowly.

These matters can and are being adjusted between the railroads and the men and much better and more intelligently than can be done by outsiders.

Yours, truly, W. L. PARK.

I also submit a letter signed by train dispatchers of the Oregon Short Line Railroad, as follows:

OREGON SHORT LINE RAILROAD COMPANY,
OFFICE OF CHIEF DISPATCHER,
Kemmerer, Wyo., December 28, 1906.

Hon. F. E. WARREN, Hon. C. D. CLARK,
Hon. F. T. DUBOIS, Hon. W. D. HEYBURN,
Senators,
Hon. F. W. MONDELL, Hon. B. L. FRENCH,
Representatives,
Washington, D. C.

GENTLEMEN: We desire to respectfully but firmly protest against the enactment of what is known as the proposed "sixteen-hour law," which has for its purpose "To limit the hours of service of railroad employees," particularly that part which reads: "Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hours of rest, to a fine of $1,000."

There are occasionally conditions and circumstances under which it would be impossible for a train dispatcher to prevent an operator or a crew from being on duty over sixteen hours, nor could an explanation be made, for the reason that the circumstances leading up to such an event might be caused in what would be an inexplicable way to the ordinary juror not having, perhaps, anything to do with the identical train in question. If the train dispatchers of the United States are subjected to such an enormous and drastic fine, it would be impossible for them to pay it; the other alternative would be the Federal prison.

We are not yet ready to wear a convict's stripes, and consider a proposition to make thousands of loyal, intelligent, and true American citizens subject to such a penalty is a step beyond anything that has ever been attempted in the history of this country, or any other country for that matter.

Those who propose such a measure do not represent the rank and file of railroad men, and we desire to emphatically repudiate any such claim they might have made. It is possible they have surreptitiously, or in some manner, obtained an indorsement from some of the railroad employees, holding out to them inducements which are not in accordance with the conditions or possibilities of railroading. We hear the train and engine men on every hand denouncing this measure. We trust that you will give it your earnest opposition.

Respectfully, yours,

J. P. FOLGER,
Chief Dispatcher.
C. J. HUSTED,
C. N. COREY,
E. G. MERRITT,
Dispatchers.

Also a letter from a superintendent of the Burlington Route, writing from Sheridan, Wyo.:

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY,
Sheridan, Wyo., January 4, 1907.

Hon. F. E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: I take the liberty of writing you at this time to ask you to consider the impractical points of the La Follette sixteen-hour bill, which is to be presented before Congress and the Senate in January.

As a practical railroad man of twenty years' experience, I am impressed with the impracticability of this bill, if it were made a law, without grave damage to the general public, as well as employees.

The entire lack of exceptions in certain cases, such as of stock trains, time freight, emigrant, etc., is one of the grave objections to it.

From the standpoint of the men, in a set of resolutions which will be forwarded to you from this division, and which expression is unanimous on the part of our train and engine men, the bill would work a great hardship on them.

From the standpoint of an operating officer of this railroad, I am

prepared to say that it would be an impossibility to comply with this bill as it was presented, without any exceptions or modifications, and operate a railroad in any respect to the satisfaction of the public.

As far as this division of this railroad is concerned the most strenuous effort is being made in every way possible to prevent any excessively long trips on the part of the men. I have a report of every train on this division before me for yesterday, showing that out of twenty-seven trains the longest trip on the division was one of seventeen hours and five minutes, and they run down as low as five and one-half and six hours. A great improvement has been made in this respect in the last six months. Local runs have been cut in two, so as to prevent excessively long trips. Tonnage has been reduced and every possible means used to prevent our having any excessively long trips of any kind, either on freight or passengers.

I will close by asking that in justice to the operating officers and to the train and engine men that this bill be not allowed to pass nor receive your approval in its present form.

Yours truly,

F. E. KENNEDY.

I have letters similar to the one from Superintendent Kennedy from L. B. Lyman, train master, and from Supt. E. P. Bracken, of Sheridan, Wyo.

I submit also a letter written by J. W. Maxwell, assistant general manager, to James Hagerman, general counsel of the Missouri, Kansas and Texas Railway Company, as follows:

MISSOURI, KANSAS AND TEXAS RAILWAY COMPANY,
OFFICE OF ASSISTANT GENERAL MANAGER,
St. Louis, Mo., December 13, 1906.

JAMES HAGERMAN, Esq.,
General Counsel, St. Louis.

DEAR SIR: I have read the testimony which was submitted to the Committee on Interstate Commerce in the last Congress, in which it is shown that the proposed law is sought almost exclusively by the four leading labor organizations representing railway employees in train and engine service. Mr. Fuller, representing those organizations, testifies that the purpose of the bill is to protect the lives and limbs of the traveling public, as well as the employees of the railway company; also that it will promote the movement of freight, which, it is claimed, is being delayed through keeping the trainmen on duty long hours in order to move a larger amount of tonnage per train.

In reply to questions, Mr. Fuller testifies that men are kept on duty long hours because of divisions being longer than they formerly were, which, he states, was brought about by a desire on the part of the railways to save the time necessary to change crews, which, if true, is an argument against the passage of this bill, for the reason that if it becomes a law, it will result in a rearrangement of divisions, creating at least 33 per cent more divisions and terminals than are at present necessary. For example, our St. Louis division (St. Louis to Franklin Junction), 182 miles in length, will have to be made into two divisions. The men on this division usually make the trip eastbound in from twelve to fifteen hours, but are often seventeen and eighteen hours on the westbound trip. Therefore it can not be operated within the proposed law. It is safe to say there is not a man in train service on that division who is in favor of shortening the division, as they do not consider the hours burdensome, and they are enabled to make far better wages than they could if the division were cut in two.

Mr. Fuller's testimony shows that this law is not desired by the railroad men individually, but is asked for by the organizations representing the men. The reason for this is plain. Train and engine men are paid by the mile, and where one man now earns from 150 to 200 miles per day it will require two men under the proposed law, thereby doubling the number of men and increasing the number of members in the organizations proportionately.

Notwithstanding Mr. Fuller's desire to protect the lives and limbs of the traveling public, he states that it is not the intention of the bill to delay a passenger train on which a crew, through accident or other cause, has been on duty sixteen hours until another crew can be secured to take their places, or until they have had the required ten hours' rest. Thus it will be seen the only protection offered the traveling public is to be taken away. In like manner, the facilities for the prompt movement of freight are to be curtailed by the establishment of a greater number of division terminals, each of which requires from thirty-five minutes to one and one-half hours to get a train through.

The proposed law would increase the cost of operating railroads through largely increasing the number of terminal yards, roundhouses, etc., to be maintained and operated, as well as the expense of getting men to outlying points to relieve men who had been on duty the maximum time because of an accident or some other unforeseen circumstance.

The employees will not in any way be benefited by the law, for the reason that nearly all roads now have a rule permitting train and engine men to take eight hours' rest after sixteen hours' service. On the contrary, the men will be deprived of a considerable portion of their earning capacity through being unable to earn only 100 miles per day, when they now earn from 100 to 200. They will also be placed under greater expense, because of being required to spend a much greater part of their time away from their homes. If the present bill becomes a law, it will frequently happen that a train or engine crew, composed of five or six men, will get within 20 or 30 miles of home when the sixteen hours are up, and they will be compelled to give up their train at the first side track and get ten hours' rest before they can be permitted to proceed, notwithstanding every member of the crew would feel and know that he was perfectly able to take the train into its terminal. They would thus be put to the additional expense of securing lodging and meals at an unusual place, and after their ten hours' rest had been secured they might have to wait from four to six hours for a train to take them into the terminal, where they could again resume service, thereby causing them to miss their turnout, resulting in a further loss of wages.

There are many things to be said against the passage of this bill, and since there is apparently no one to be benefited by it, beyond increasing the membership of certain labor organizations, it should be defeated.

If the real purpose sought in this bill is to prevent railway companies from forcing their train and engine men to work when they are in an unsafe condition, I suggest the following substitute:

"Any train or engine man who has been on duty sixteen hours shall have the right to call for ten hours' rest, and when such employee calls for rest it shall be unlawful for any railway company to require him to remain on duty or again resume service until he shall have had ten hours' rest."

This would simply make what is now the rule the law, and would afford all the protection needed, since no member of a crew would be deprived of rest whenever, in his judgment, he needed it. It would at the same time overcome the hardship and inconvenience resulting from a literal interpretation of the proposed law, which, it is claimed, seeks only the protection this would afford.

Truly yours,

J. W. MAXWELL.

And, finally, I submit the following letter of introduction handed to me to-day by Mr. S. C. Mecomber, which is signed by the chairman of the general committee, Order of Railway Conductors, Union Pacific Railroad Company, Mr. W. A. Jameson:

UNION PACIFIC RAILROAD, ORDER RAILWAY CONDUCTORS,
GENERAL COMMITTEE OF ADJUSTMENT,
Laramie, Wyo., January 1, 1907.

Hon. FRANCIS E. WARREN,
United States Senator, Washington, D. C.

DEAR SIR: This will introduce to you Mr. S. C. Mecomber, a member of our organization, the Order of Railway Conductors, who is chairman of the State legislative committee of the organization for the State of Nebraska. He is in Washington to appear and register a protest before the committee who have in charge the La Follette sixteen-hour bill for railroad men. We are the men in front of the gun in this instance. We deem it detrimental to our interests. *We have contracts with the different railroads throughout the western country that gives us the right to demand and get eight or more hours' rest after sixteen hours' service.* As to the claim that many accidents occur from overwork of trainmen, it is farfetched and not a fact. In thirty years' experience in train service I know of but one case where an accident occurred on account of excessive hours on duty. An arbitrary law, with a severe penalty, such as the contemplated bill, is to tie up for rest at any point on the road, where there are no accommodations to get anything to eat and no place to sleep. It would be a pretty hard proposition to make the men believe that it is just to make them lie down in an old caboose, on a hard cushion, and toss around for eight or ten hours when by working an hour or so longer they could be at home and have the comforts that men in other walks of life are permitted to enjoy. Men tied up under those conditions are in worse shape for service than they were when tied up.

This is but one of the hardships that will be forced upon the men by an arbitrary sixteen-hour law. It will also reduce our monthly wage, which at best is not over remunerative.

We desire to spend a reasonable part of our life at home with our families, to assist in the education and training of our children.

We do not think the trainmen in service throughout the United States will thank their representatives for passing such a law after it becomes operative and they realize the hardships that it entails.

Mr. Mecomber can explain more fully to you and recite instances of actual experience, and no doubt you will readily see why we, as trainmen, desire to see this bill defeated.

We think the practical men who are employed by the operating departments of the different railroads, in conference with their employees, are better fitted to arrange this matter among themselves.

I would deem it a personal favor if you will give him what assistance you can while he is in Washington, as he is unacquainted there. We have no particular standing before Congress, and can only work through our friends, and as you have always been our friend your constituents in train service will appreciate your efforts in our behalf. I am,

Yours, very truly,

W. A. JAMESON,
Chairman General Committee, Order Railway Conductors, Union Pacific Railroad.

All these letters, while directed to the defeat of the measure, are, in my mind, so directed because of the lack of flexibility of the bill. That the general proposition of affording plenty of rest at proper intervals to trainmen, and the general proposition of restricting the continuous hours of service within a proper limit, are both right, can not be questioned. In my judgment these men who are protesting would readily support a bill, as I would and as other Senators would, if the bill should be so framed that such a law could be enacted as would provide for all these contingencies; provide for out and return runs with short stop-overs at one end and long stop-overs at the other, and leave it so trainmen and superintendents might have some "elbow room" in the running of trains. Unless we can thus provide, let us pass no bill.

Mr. McCUMBER. Mr. President, when this bill was under discussion during the last session and went over until this session I determined to ascertain, as nearly as I could, first, the necessity for such a law in the section of the country which I represent in particular, and also the feelings and desires of both employers and employees on the railways serving that section of the country. I found very little interest in the bill one way or the other, possibly for the reason that I found no runs requiring sixteen hours, and I knew of and found no runs that would require less than ten hours' rest. So the only question, so far as it affects the section of the country from which I come, is the question that crystallizes around this word "casualty."

Let me give a little illustration that will make that clear. We will take the run from St. Paul across the State of Minnesota to, say, the nearest point in my State. We will say that a train is scheduled to leave St. Paul at 10 o'clock in the forenoon and to arrive at Fargo at 8 o'clock in the evening. That gives but a ten-hour run. It is scheduled to leave the next morning from Fargo, we will say, at 8 o'clock and to arrive at St. Paul that evening at 6 o'clock. So there is but a ten-hour run in either instance, and more than twelve hours' rest in either

instance. The train leaving St. Paul is very often under contract to carry the mail from some connecting point from Chicago and the East, and the train necessarily must lie at the depot, sometimes an hour and sometimes two or three hours if there is a delay upon some of the eastern trains in getting mail from Chicago to St. Paul, so that they may conform to their contract. There may be an hour or two hours' delay, therefore, before the train starts out.

Again, the train is supposed to take other mail, we will say from Winnipeg, in Manitoba, to some point of connection about the central part of the State of Minnesota. This train may be delayed an hour or two on account of waiting for the delay of the Winnipeg train. So the two delays working together may prevent this train getting into Fargo until, we will say, 10 o'clock at night. It will then have to leave a little earlier the next morning; or suppose it be 12 o'clock at night, it would leave at 8 o'clock the next morning. That would give but eight hours' rest. Under this bill it would be criminal for the same crew which is scheduled to go back on this train to take the train back to St. Paul, although it had had eight hours' rest, unless they could show that these delays were some kind of a casualty. That is a term, of course, that would have to be construed, probably as often as any case would come up under the law. They might be delayed because the train was overloaded, which would not be a casualty; they might be delayed on account of insufficient coal or because the train was not properly handled, which would also not come under the designation of a casualty. In order to meet any of those incidents that are arising almost daily, it would be necessary to keep this crew another twenty-four or twenty-six hours doing nothing and to keep an idle crew at that point for the purpose of supplying the deficiency. It seems to me that that part of the bill is unjust. It seems to me that the hours might be limited to even six hours, especially as the average rest is from twelve to fourteen hours. I understand that the average run is less than nine hours. Taking both of the transcontinental roads that go through our section, less than nine hours a day is an average run for each conductor. That would give plenty of rest.

If it should so happen that without this broader term of the happening of a "casualty" a train would be delayed, certainly we ought not to make it a criminal offense if the crew were required to remain over a little more than sixteen hours from the time that they had had rest or that they could go out again upon a less number of hours' rest than the ten hours which the bill now provides. I hope, Mr. President, that we shall so amend the bill that it will have sufficient elasticity to meet occasions of this kind.

Then, again, we have the other case of what is practically a round trip in the same day. One train may run as far as from St. Paul to Brainerd and then back the same day. They wait at Brainerd, we will say, however, to make connection with another train from the West, which, instead of going to St. Paul, may go on to Duluth. If that train is delayed, although they may have had hours at the depot waiting for the connecting train, it will necessitate their waiting until the passengers can be transferred; and it would be no casualty, on the part, at least, of the trainmen, who are compelled to wait until the arrival of the connecting train.

Again, it is often necessary to make connections at St. Paul and Minneapolis with the Chicago and other eastern trains. It seems to me to be almost ridiculous where there is a contract to carry the mail and to receive the mail each morning, even though they may have to wait a few minutes or a few hours to do so, to make the trainmen or the company operating the connecting line responsible for any malfeasance or any casualty upon the connecting train.

It seems to me also, Mr. President, that that may properly be made a subject of amendment. When it is, I can see no serious objection to the bill, although, as I say, in our section of the country I do not think it will have any effect one way or the other, as I know of no sixteen-hour run and I know of no instance in which the rest is not more than ten hours.

Mr. BRANDEGEE. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has stated that the average run of conductors is about nine hours in his section of the country. Can the Senator tell us what is the average run of the engineers and firemen?

Mr. McCUMBER. I understand the average run of a train crew is nine hours. That is what I intended to say was my information. I have not myself examined carefully to see whether or not it is true.

Mr. PATTERSON. Mr. President, I have no recollection of being in the Senate when this bill was up for discussion, and my attention had not been called to its particular phraseology until it was called up as the unfinished business by the Senator from New Hampshire [Mr. GALLINGER]. I should infer that the principal thing to be attained by the bill is not so much the comfort or health or the convenience of the employee—of course that necessarily enters into it—but the principal end to be attained is the safety of the traveling public. Hardly a serious accident occurs but that the length of time that the conductor or the engineer or some employee engaged in running the train is introduced as a factor accounting for the accident. We have read a great deal of the wearied engineer and the worn-out conductor, and that those officials, being in a state of physical collapse or weariness, were unable to give that quality of care and attention to the running of the train that the safety of the traveling public required.

So far as I have had any expression from the employees affected by the bill, I should regard it as an unpopular one, engineers and conductors and trainmen, as a general proposition, being quite willing to protect themselves by such contracts as they are able to make with the employing company. I would not seek the enactment of a measure of this kind, having in mind the welfare of the employees alone, unless there was apparent some earnest desire expressed by such employees to have the burdens of their employment lessened.

But quite independently of the burdens that may be placed upon the employee is the safety and the welfare of the traveling public. If it is true that the wearied engineer and the wearied conductor and the wearied brakeman are not capable of giving such care as may be classed as the highest degree of care to the traveling public to protect the lives and the limbs and the bodies of the traveling public, then a law should be enacted for the sake of the traveling public that will prevent trains carrying passengers from being handled by those who are not able to give the degree of care the safety of the passengers requires. If that were the object of the bill, if the bill would attain that object, then I should be heartily in favor of it.

But I will turn to the Senator from Wisconsin [Mr. LA FOLLETTE], who has the bill in charge, and ask him, from the language of the bill, whether he believes the end sought, either for the welfare of the employee or the safety of the traveling public, is secured by this bill? As I read the bill, Mr. President, those who are engaged in the running of trains, although they may have been in service for fifteen consecutive hours, if they go out of service for an hour may, without violating the terms of this bill, take charge of trains and run for sixteen more consecutive hours. For example, in the second paragraph of the amendment—and, indeed, the bill as before the Senate is an amendment by way of substitution, an entirely new measure being substituted for the measure that was originally introduced—occurs the following language:

> That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

The meaning of that language is perfectly plain. The railway company engaged in interstate commerce shall not permit or require any person engaged in handling a train to remain on duty for more than sixteen consecutive hours, and, having been on duty for that length of time, he shall not be permitted to resume his duty until he has had ten hours for rest. But, as I suggested when I first rose, suppose the employee has been engaged in fifteen, fourteen, thirteen, or twelve hours' consecutive service. Though he rests but an hour, though there is an interval of but an hour or two hours', more or less, time between the ending of his consecutive service and the recommencement of service, he may resume the service and there will be no violation of this proposed act. Therefore, I take it, that the bill should be amended by the Senator who has given special attention to it so that the evil sought to be reached will be reached.

I can readily understand how railway companies and their employees might enter into contracts by which the main purposes of this bill would be avoided without any criminal liability of any kind or character—such contracts as would permit the overworking of employees and the engagement of employees in the carrying of the traveling public when, by reason of long-continued service, they would be altogether unfit for the responsibility that the passenger traffic imposes upon those in charge of trains.

So far as the objection made by the Senator from New Hampshire [Mr. GALLINGER] is concerned, I doubt if it is amply provided against in the bill. I can hardly imagine any cause for a delay in a trip one way, or a round trip, that would not be covered by the term "casualty." So that if a train starts out upon

a round trip that would under the schedule be completed in twelve or thirteen or fourteen hours, if, for almost any cause, it was delayed beyond sixteen hours there would be no necessity for the employees abandoning the train and a new crew being put in their places, for it is only in the event of a casualty interfering to prevent the completion of the run within the sixteen hours that the crew may not continue on their train until the run is finished.

When you turn to the meaning of the word "casualty," you find one of the meanings is:

That which occurs by chance; chance—

Any chance seems to be a casualty.

Third, under the subdivision "Law"—

Inevitable accident—

Of course, an accident is a casualty—

An event not to be foreseen or guarded against.

And, then, under the Scottish law, a "rent depending on the happening of contingent events" was called a casualty. But that is now obsolete. The synonyms are "accident" and "hazard."

So that if there was a contract between a railway company and the Government for the carrying of mail that was to be delivered to the receiving company on an incoming train and the train should be behind the schedule, I have not any question but that would be a casualty; it would be a hazard; it would be something that the transporting company that was to receive the mail could not have foreseen. If the locomotive should run out of coal, or if water should not be accessible, or if a rail should be misplaced, or a freight train or any other kind of a train run off the track, I am inclined to think that that mishap would come under the term "casualty."

So that the framer of the amendment evidently attempted to provide against the contingencies that are suggested by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Wyoming [Mr. WARREN]. Perhaps a broader term might be used, but a fair construction, it seems to me, would prevent the companies being compelled to change train crews, under the term that is used in the bill, whatever might be the cause of delay.

But, Mr. President, I am principally concerned about the main section of the bill. It seems to me that it does not guard against the main object to be attained by the bill—the protection of the lives and the limbs of the traveling public, for, as I suggested, when the welfare of the employees is alone to be considered we *may safely* await an expression of their desire that will be pretty clear and well understood, the modern railway employees, the men who run the trains, the engineers, the conductors, and the brakemen, being pretty well able, through their organizations, to protect their own comfort and their own welfare by the contracts they make with the companies.

I have accomplished my purpose in calling the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to the objections that I find, not in the object to be attained by the bill, but in the language that is used for the purpose of attaining the object. I feel that it is wholly inadequate, and that it ought to be amended.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from Colorado if the proposed amendment of the Senator from Mississippi [Mr. MCLAURIN], at the bottom of page 5, does not accomplish the purpose that he desires to see accomplished? The amendment reads as follows:

Any such employee who shall have been on duty ten successive hours shall not be required or permitted to go on duty without having had at least eight hours' rest.

Mr. PATTERSON. Is that at the bottom of page 5?

Mr. BRANDEGEE. In the print that I have it is at the bottom of page 5.

Mr. PATTERSON. I have not got the same print as the Senator from Connecticut, so I can not answer him.

Mr. HEYBURN. Mr. President, I desire, first, to present a protest from certain railroad employees and train dispatchers, and ask that it be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none. The protest will be printed in the RECORD.

The protest referred to is as follows:

OREGON SHORT LINE RAILROAD COMPANY,
OFFICE OF CHIEF DISPATCHER,
Pocatello, Idaho, December 22, 1906.

Hon. FRED T. DUBOIS, Hon. W. B. HEYBURN,
Senators.
Hon. BURTON L. FRENCH,
Representative, Washington, D. C.

GENTLEMEN: We desire to respectfully but firmly protest against the enactment of what is known as the proposed "sixteen-hour law," which has for its purpose "to limit the hours of service of railroad employees," particularly that part which reads: "Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hours of rest, to a fine of $1,000."

There are occasionally conditions and circumstances under which it would be impossible for a train dispatcher to prevent an operator or a crew from being on duty over sixteen hours, nor could an explanation be made for the reason that the circumstances leading up to such an event might be caused in what would be an inexplicable way to the ordinary juror, not having perhaps anything to do with the identical train in question. If the train dispatchers of the United States are subjected to such an enormous and drastic fine, it would be impossible for them to pay it. The other alternative would be the Federal prison.

We are not yet ready to wear a convict's stripes, and consider a proposition to make thousands of loyal, intelligent, and true American citizens subject to such a penalty is a step beyond anything that has ever been attempted in the history of this country, or any other country for that matter.

Those who propose such a measure do not represent the rank and file of railroad men, and we desire to emphatically repudiate any such claim they might have made. It is possible they have surreptitiously or in some such manner obtained an indorsement from some of the railroad employees, holding out to them inducements which are not in accordance with the conditions or possibilities of railroading. We hear the train and engine men on every hand denouncing this measure. We trust that you will give it your earnest opposition.

Respectfully, yours,

C. A. Shultz, dispatcher; J. E. Agee, dispatcher; F. Rogers, dispatcher; J. W. Phillips, dispatcher; J. D. Royle, dispatcher; J. H. Castle, dispatcher; A. Igo, chief dispatcher; J. H. Shores, dispatcher; H. B. Magill, dispatcher; D. E. Davis, dispatcher; F. M. Clarke, chief dispatcher.

Mr. HEYBURN. I desire to offer the amendment which I send to the desk to the amendment printed on page 7, lines 9 and 10.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, lines 9 and 10 of the amendment, it is proposed to strike out "in any State or Territory of the United States or the District of Columbia."

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. HEYBURN. I will state the purpose of my amendment. It seems to me the amendment proposes something that Congress may not do—that is to say, impose a duty upon a State court or tribunal—and the words are not necessary for the purpose of providing a complete remedy, inasmuch as with those words stricken out it will read:

The Commission may also order depositions taken before any tribunal qualified by law to take the same.

The amendment reads:

The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia.

I desire to offer another amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In lines 19 and 20, page 7, it is proposed to amend the amendment by striking out the words "either a State or United States court" and substituting the words "a court of competent jurisdiction."

Mr. HEYBURN. The objection is the same in character. Congress can not confer jurisdiction on a State court in an instance of this kind. The State court, if it is held to be a court of competent jurisdiction, may deal with it, but Congress can not compel it to deal with it.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. HEYBURN. I desire to make a suggestion with reference to the provision of the bill found on page 5, practically the same as that found on page 4, to which the Senator from North Dakota has addressed his remarks. A lay over at the point of a wreck, miles distant from any settlement, would not afford the crew of the train an opportunity to rest. It could not possibly result in any benefit to them in the way of reequipping them for further service, and there should be such elasticity in this measure as would permit those men to pursue their duties, being reenforced to the extent of the ability of the railroad company. But to say that a crew of railroad men shall remain in idleness at the point of a disaster which may not have occurred within the scope of the exception of this bill—and I can imagine many of them that would not be within that exception of "casualty"—to say they must lie there in idleness and practically afford no assistance to relieve against the damage or delay would certainly be of no benefit to the railroad or the men and would tend nothing to accomplish the purpose sought to be accomplished by this bill.

The word "casualty," as it has been presented by the Senator from Colorado, would seem to be broad enough to cover almost any kind of delay, but the text of the bill limits it to casualty occurring after such employee has started on his trip.

The cause of delay may have existed for a considerable time before the train started out on its trip. There is an amendment proposed to cure that, which says, "or by unknown casualty occurring before he started on his trip." There may be a casualty that is known to exist, and the trainmen may start out for the purpose of relieving against the damage, expecting to be able to accomplish their work and return within the time limited by the proposed act, and instead of being able to do so, they may be detained there hours or days, as the case may be. So, as I say, in that provision the bill is not elastic enough. Otherwise you would find yourself with a dead crew on hand, where they had started out with full knowledge that there had been a landslide or a train ditched, or any one of the many casualties which might occur, with the expectation of being able to overcome it within a few hours, and, as I have suggested, be held there for many hours, and the sixteen hours might expire.

Does there attach to these workmen on the train the liability under which they may be fined a thousand dollars because they have underestimated the time in which a wreck may be removed, a bridge rebuilt, or any other obstacle removed? I suggest that that provision is not elastic enough to protect these men against being answerable under a law by fine and imprisonment.

I have not been present on any former occasion when this bill was under consideration. I find many amendments here. If we could anticipate just what amendments would be adopted before the bill is finally submitted to the Senate for a vote, we might better understand what might remain, if anything, to be supplied. But as I interpret the unanimous-consent agreement which runs with this bill, the measure will not be open for debate at that time; the amendments will come up in their order, under the rule of the Senate, and be voted upon; and unless the bill is printed after the disposition of these amendments, it will be difficult matter indeed to determine just what ought to be in the bill and what should not be in it.

The VICE-PRESIDENT. What is the further pleasure of the Senate?

Mr. LA FOLLETTE. Unless some other Senator desires to offer some observations upon the pending bill at this time, I will ask that it be laid aside temporarily.

Mr. BACON. I should like to ask the Senator from Wisconsin a question. I desire to know of the Senator whether he understands from the provisions of the pending bill that it is to apply to employees only on trains engaged in interstate commerce or whether he thinks it applies or is intended to apply to trains on all railroads engaged in interstate commerce. The Senator will see the distinction.

Mr. LA FOLLETTE. I did not draw this bill or the substitute reported from the committee, and I am not able, for the moment, to turn to the language which defines——

Mr. BACON. While the Senator is looking for the particular part of the bill which he thinks gives expression to the requirement, which will be one way or the other, I wish to call attention to the importance of that distinction. If the bill is limited to employees employed upon trains which are actually, at the time of the running, engaged in interstate commerce, it is a bill of comparatively narrow limitations. But if it is intended and if its provisions will permit it to be construed to mean that it applies to the employees of all railroads engaged in interstate commerce, regardless of whether the particular train upon which these employees may at that time be employed may or may not be engaged in interstate commerce, it is a bill of extremely wide scope; and I use the term "extremely wide scope" probably without expressing the degree of that scope, although the word "extremely" is a very large one. I might say, Mr. President, that it embraces every railroad in the United States and every train in the United States, for this reason:

A railroad may be engaged in interstate commerce, although limited in its extent entirely within the borders of a State. A railroad which accepts a consignment and issues a through bill of lading, not only over its own road, but over a connecting road to a point in another State, is engaged in interstate commerce; and a railroad which accepts from a connecting road, coming from another State, a consignment over its own line of goods originating in the other State and brought on a through bill of lading over each of those two railroads is engaged in interstate commerce. There is possibly not a single road in the United States, however short it may be, unless it be one entirely isolated and not connected with any other railroad—and I presume there is scarcely such a road in the country——

Mr. PATTERSON. Mr. President——

Mr. BACON. Pardon me until I finish the sentence. There is scarcely a railroad in the United States, if one, upon which such consignments are not made or received. In other words, there is scarcely a single railroad in the United States, if one, which does not accept consignments which are to go beyond its own limits, its own termini, and extend over other railroads into other States. And, on the other hand, there is scarcely a road which does not receive consignments coming from other States and destined to points on its own line. Therefore, if the terms of this bill are sufficiently broad and comprehensive to make it apply to employees on all railroads engaged in interstate commerce, the terms of the bill may as well be expressed by saying "all railroads in the United States," without stating that they shall be engaged in interstate commerce. That is the practical effect.

Mr. LA FOLLETTE rose.

Mr. BACON. I promised to yield to the Senator from Colorado.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. Certainly.

Mr. PATTERSON. I think the construction which has been placed upon the language "common carrier engaged in interstate or foreign commerce" has been in the broad sense which has been suggested by the Senator from Georgia.

Mr. BACON. Is that the language here?

Mr. PATTERSON. Yes, sir.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce, etc.

In the application of the safety-appliance law I think the decisions of the courts have been that railroads, though local in their organization and local so far as their termini are concerned, if they are engaged in the transportation of interstate commerce, are amenable to the provisions of the safety-appliance act. I know it is but a very short time ago that there was a suit in the United States court in Denver, in which the Denver and Rio Grande Railroad Company was fined for not having equipped its locomotives with the appliances that the law provides for. And yet the Denver and Rio Grande, so far as its termini are concerned, is strictly a local road, although it is a part of what may be termed the Gould transcontinental system.

Mr. MALLORY. Will the Senator from Georgia permit me to interrupt him for a moment?

Mr. BACON. Certainly.

Mr. MALLORY. The act providing for safety appliances prescribes that the vehicles employed by the road shall be engaged in interstate commerce.

Mr. BACON. Yes.

Mr. MALLORY. And a court in Kentucky recently—the United States circuit court—I think, makes that distinction very clear. It seems that the first part of the pending bill is designed to meet the opinion of Judge Evans in that case.

Mr. PATTERSON. To continue about the construction of language of this character, although I am not familiar with the precise language used in the safety-appliance act, there was a suit against another road at the same time, a little road whose line was confined within one county. That road, through its management, had taken particular pains to receive no consignments of goods that were shipped from without the State. In that particular case the United States circuit court held that the road was not amenable to the provisions of the safety-appliance law because it was not engaged in interstate commerce.

But as I recall the decision, it was that where roads were engaged in receiving goods and cars to be transported under contract from without the State on the cars of the company or over the line of the company, it came within the provisions of the safety-appliance law, and therefore, for noncompliance with the law as to certain of the locomotives of the Denver and Rio Grande Railroad, the company was declared to have violated the law and was required to pay a fine.

Mr. BACON. I am very much obliged to the learned Senator from Colorado for the suggestions which he has made, and also to the Senator from Florida, equally learned, for the information he gives us as to the precise language of the former act of Congress relative to appliances.

This is certainly a most serious matter, and we are very near to the time when we will be called upon to vote on this bill without further opportunity for its examination or discussion relative thereto. It would be very difficult to conceive of a bill more far-reaching in its effect than this will be if the construction can be put upon it to which it now appears it is legitimately open. I think we ought to give it very careful consideration. It ought to be examined with the most minute particularity.

I desire to say that personally, Mr. President, I am in favor

of such regulations as will protect the public against dangers which arise from the employment of the officers and other employees of the company for a length of time which renders them incompetent to properly handle trains and protect the public; and also that I am in favor of such regulations as will protect the employees from undue burdens in the way of employment beyond the physical and mental powers of the men to sustain the continued strain and exertion. But, Mr. President, it is not always safe to be guided by a desire to accomplish an end, and I am afraid we are too frequently controlled by that desire. The end may be laudable, but the means may be improper and unsafe, and the evils which are mixed up with some remedies may sometimes be greater than the evils which it is sought to cure.

Now, just for a moment, let me call attention to the extent of this bill, if the language is open to the construction which I suggest; and I think it is a most important fact to be noted that on the eve of determining this most tremendous question Senators have not considered this particular phase of it. So far as I have been able to learn from the advocates of the bill, the question of the constitutionality of it, as well as the propriety of it, has largely been answered affirmatively upon the prior legislation with reference to safety appliances on trains, and yet a very slight inspection will show the very vast difference between the two. As stated by the Senator from Florida [Mr. MALLORY], in the safety appliances act it is limited to a control of cars engaged in interstate commerce. There is no effort in the safety appliance act to prescribe that all railroads engaged in interstate commerce shall thus equip all of their trains, because that would manifestly be beyond the power of Congress, but it is within the power of Congress to say that all engines and cars actually engaged in interstate commerce, regardless of what railroads they may belong to, shall be thus and so equipped.

Now, it might be said that upon the same reasoning a bill seeking to protect employees against undue length of continuous service would be constitutional if it limited it to employees on trains engaged in interstate commerce. But that is not what this bill does. This bill does not say it shall be unlawful for employees engaged in interstate commerce to be employed more than a certain length of time, but it says—I will read that portion of the bill—

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty, etc.

I see upon inspection (I had not examined the bill, and I was asking the author of the bill for information upon the subject) that it is limited to railroads within the Territories of the United States and the District of Columbia. Of course that is within the power of Congress.

Mr. KNOX. Look at the top of page 5.

Mr. BACON. The top of page 5? Possibly the Senator from Pennsylvania means page 4.

Mr. KNOX. Page 5.

Mr. BACON. It is page 4 in the copy I have.

That it shall be unlawful—

It may be that this is the provision which relates more particularly to roads in the States and not to those in the Territories of the United States or the District of Columbia. I have not had an opportunity to read it.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected to remain on duty more than sixteen consecutive hours, except when, by casualty occurring after such employee has started on his trip, he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

I am not sure but that that language is sufficiently guarded. I would be very glad, however, to have the judgment of Senators who have given the matter more careful attention than I have. I am not sure whether that language would limit the requirement to employees upon trains actually engaged in interstate commerce, because it goes further and makes it apply to "any train by which such commerce is affected," which is language of a very general character.

I rose, Mr. President, more for the purpose of seeking information than for the purpose of submitting any remarks upon the character of the bill. I am inclined to think that the provision of the bill found on the fourth page of the copy I have in my hand is not open to the objections which the language found on page 3 of this bill would have suggested as being objectionable.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. Certainly.

Mr. KNOX. Does not that depend somewhat upon the construction to be placed upon the word "affected?"

Mr. BACON. Yes. That is the language which I suggest is possibly too broad.

Mr. SPOONER. What does it mean?

Mr. BACON. I do not know. That is the reason why I think it is too broad. I think we ought to know what language means when it is put into a bill. I will read that language again:

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled—

I doubt very much if that is a proper provision, because it would relate to a railroad entirely within a State over which there had been such a consignment as that which I have suggested, because, although the road may be entirely within a State, if it has accepted a consignment from another State on a through bill of lading, it is hauling a train carrying commerce subject to interstate-commerce law, and yet it would not itself be a railroad passing from one State to another and not within the design or spirit of the law.

As is suggested to me by the Senator from Colorado, the practical effect of it is to put it within the power of Congress by this legislation to require that every employee engaged in handling cars upon a railroad shall be subject to the provisions of this proposed law. This is not a bill upon which I have prepared myself to make any suggestions which I have thought would be of any special value, and it is not a bill which I am prepared to discuss in such a manner as one should discuss it who is in charge of a bill, or who has particularly undertaken to controvert or oppose any of its features. But upon a casual reading of the bill these are objections which strike me, and it seems to me the time has come when other matters should be laid aside and when this matter should be perfected as we are to vote upon it. There are other matters which are pressing—I know that—but none of them is in the position of this bill. There is none of them where we are face to face with the proposition that we have to vote on it at a certain time. That being the case, it seems to me this bill should now be given the precedence.

I want to ask the Senator from Wisconsin and others who are particularly interested in the bill whether it is their purpose, or whether they understand it to be the purpose of the bill, that practically the length of time when an employee shall be permitted to work continuously upon a railroad shall hereafter be under the control and regulation of the Federal Government, to the exclusion of the right of the States as to those roads limited entirely within their borders? That is the effect I think of this bill, even of the section which I have just read. Upon a casual reading of it I was inclined to think at first there was no material objection to it, but on a more careful reading of it I think practically the same objections exist as those which I thought at first existed, reading, as I did, the clauses with reference to the Territories and the District of Columbia.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. LA FOLLETTE. It seems to me manifest that the language in line 7, page 5, is intended to be just as broad as that—that is, wherever the operation of trains within States affect directly the interstate commerce it is intended by the language of that section to bring the operation of those lines and the employment of the men on those lines within the control of the provisions of the act.

Mr. BACON. Even though the railroad may be entirely within a State?

Mr. LA FOLLETTE. Otherwise a train carrying interstate commerce, moving upon a line of road on which the same company operates a train engaged solely in State commerce, might be put at jeopardy by having the crew operating the train engaged in State commerce employed for fifty hours consecutively. The jeopardy to the interstate commerce and passengers traveling upon trains engaged in interstate commerce would be quite as great from collision with a crew that has been employed an excessive number of hours, even though it is operating a train engaged purely in State commerce. As I said before, I did not draft the bill, but I think it is manifest that it is the purpose of the language in line 7—"any train by which such commerce is affected"—to reach such cases as I have illustrated.

Mr. BACON. In other words, without elaboration, it means to affect every railroad in the United States, long or short, within a State or crossing from one State to another.

Mr. LA FOLLETTE. Where the operation of the trains upon the line would jeopardize the lives of people who were being conveyed by a train engaged in interstate traffic.

Mr. BACON. Mr. President, I presume none of us differ as to the desirability that there shall be protection as to the trains, whether they are trains upon railroads which are limited entirely to one State or trains upon railroads which pass from one State to another. But that does not necessarily carry with it the conclusion that the Federal Government should be given charge of the business of furnishing this desired protection. It is the desire of us all, without difference, that there shall be no murder committed, and that all who commit murder shall be punished. That does not in any manner make it proper that the Federal Government, because the end is desirable, shall overstep its legitimate power for the purpose of accomplishing it.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. Recalling what the Senator from Georgia said about not having risen for the purpose of imparting information on this subject, but knowing that he always can, and having discussed these words and studied the question as to what trains this proposed act would apply to, I should like to call his attention, for his criticism or his answer, to the language on page 5, line 5, that the act is only intended to apply and by its terms only does apply to "the movement of any train in which such commerce is hauled." I should like to have the Senator, or some one else, tell me how you can haul commerce. Commerce is a system; it is a relation; it is not the goods which are the subject of commerce.

Mr. BEVERIDGE. It should read "articles of commerce."

Mr. KNOX. It seems to me that the bill in that respect is vitally defective. In other words, it does not describe any class of trains which exist or can exist.

Mr. BACON. That is very true.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. BEVERIDGE. I was about to suggest to insert before the word "commerce" the words "articles of," which would meet the objection of the Senator from Pennsylvania, would it not?

Mr. KNOX. There is no question about its being susceptible of amendment. I am only calling attention to the necessity for amendment. I think the words suggested by the Senator from Indiana would be adequate.

Mr. BACON. I think the suggestion of the Senator from Pennsylvania and also the amendment suggested by the Senator from Indiana are both of them worthy of consideration, and certainly indicate the necessity that we should continue to examine this bill minutely.

But, Mr. President, outside of the particular defect which has just been suggested, we are brought face to face with this proposition, as construed by the Senator from Wisconsin in charge of the bill, and I think as correctly construed by him. This is practically a bill which undertakes by an act of Congress to regulate the hours of labor of every employee upon any train of every railroad in the United States, regardless of whether it is a railroad which crosses from one State to another or whether it is a railroad limited altogether within the borders of one State. Like the personal liability bill, which was passed at the last session of Congress, it is a tremendous stride, an almost immeasurable stride, in the direction of turning over to the Federal Government the management of all the internal affairs and business affairs and relations of people in the various States, not only with the people of other States but within their own borders.

I am not prepared to say that if the language of the bill were so changed that it would be limited to employees upon trains actually engaged in interstate commerce, so far as that may be construed in the passage of trains from one State to another, that I would not give it my support, because, believing in the general proposition that there should be a limitation of hours, of course the States themselves can not reach a case beyond their own borders, and a railroad which is located partly in one State and partly in another or which carries cars from one State into another State may be beyond the reach of a State to correct an evil of this kind, and it may be necessary that there should be Federal regulation. But there is no necessity for it—that is, I mean necessity so far as that it can not be otherwise accomplished—in the case of a railroad limited entirely within the borders of a State.

But however that may be, Mr. President, it is important that we should know what we are voting upon when we come to vote upon so wide-reaching a proposition as that which is contained in this bill. As I said, I am not now prepared to discuss it, but I thought it was a suggestion worthy being brought to the attention of the Senate. I am very glad to have the construction of the Senator from Wisconsin, because I am at least put in a position where I am better prepared to judge whether or not the bill is entitled to my support according to my view.

Mr. MALLORY. Mr. President, I understand the last print of the bill has been exhausted. I have been endeavoring to get a copy of it and have not succeeded. I ask unanimous consent that a reprint of the last print of the bill be ordered printed by to-morrow for the use of the Senate.

Mr. GALLINGER. I suggest to the Senator from Florida that in addition to the amendments which are printed in the bill now under consideration the amendments offered to-day be likewise included in the reprint.

The VICE-PRESIDENT. Is there objection to a reprint of the bill with the amendments?

Mr. MALLORY. It is just possible that there would be some confusion arising out of the incorporation of all the amendments that have been offered. The amendments will be printed anyhow, and I think if we could have the bill reprinted it would give us a very good idea of what are its main features.

Mr. GALLINGER. I will not insist upon my suggestion if the Senator prefers to have the bill reprinted precisely as it is.

The VICE-PRESIDENT. Is there objection to a reprint of the bill? The Chair hears none, and it is so ordered.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Most assuredly.

Mr. DOLLIVER. I desire to offer, for the purpose of having it printed for the attention of the Senate, an amendment to the bill in the nature of a substitute for the bill and amendments. I will add that I am not sure that I will press this amendment, but I desire to have it printed and brought to the attention of the Senate.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. KEAN. I ask the Senator from Iowa if he will not also ask to have it printed in the RECORD.

Mr. DOLLIVER. Very well.

The VICE-PRESIDENT. Without objection, the proposed substitute will be printed in the RECORD.

Mr. DOLLIVER'S proposed amendment is as follows:

That on and after August 1, 1907, it shall be unlawful for any common carrier by railroad in any Territory of the United States, or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, or to require or permit any such employee who has been in service sixteen consecutive hours to perform further service without having had at least ten hours for rest: *Provided*, That prior to August 1, 1907, the Interstate Commerce Commission may, after full hearing and for good cause, specify extraordinary circumstances or special cases under which any such common carrier by railroad and its officers and agents shall be exempted from the provisions of this section.

SEC. 2. That any such common carrier, or any of its officers or agents, violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act, and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have the power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

Mr. GALLINGER. If the Senator from Montana will yield to me for a moment, a very illuminating editorial from the Commercial and Financial Chronicle, under date of December 29, 1906, on the subject that is under discussion, is in my hand, and I ask that it may be printed in the RECORD without being read.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. I hope Senators will read it.

The matter referred to is as follows:

The Commercial and Financial Chronicle, December 28, 1906.

HOURS OF LABOR OF RAILWAY TRAINMEN.

On January 10 next the United States Senate, under a unanimous-consent agreement made at the first session of the present Congress, will proceed to vote upon a bill to fix by statute the maximum hours of labor of railway trainmen and the minimum duration of their intervals of rest, first voting upon all the pending amendments. The bill in question (S. 5133) was introduced by Senator LA FOLLETTE and prohibits all tours of duty exceeding sixteen hours, except in cases of accidents occurring after their trains have left the initial point, and to require a rest interval of at least ten hours between each period of service. The penalty for violation of the statute which is proposed is a fine of $1,000, to be paid by the employer; there is no penalty running against the employee, even should the violation be the result of his fraudulent concealment of material facts concerning the length of time he has actually been on duty.

The proposed enactment seeks to deal with conditions with which railway managers have struggled for generations, and which are never more difficult than when the pressure of traffic demanding movement taxes, as it is now taxing, every resource at the command of the carriers. There are, notoriously, certain industries in which the regulation of the hours of labor according to the standards which seem to the majority to be ideal is impossible. As long as men go down to the sea in ships they must submit to the arduous toil, often prolonged through periods of excessive and exhaustive duration. The farmer, in the harvest season at least, can not, without suffering losses to which he is unwilling to submit, limit his labor to a number of hours which would suit his city brother in the building trades.

In a measurable degree the railway industry is controlled by similar conditions. Traffic appears for movement, especially in the regions where production is specialized along a few lines, and particularly where those lines are agricultural, in irregular volume. Yet when it seeks movement it must be moved promptly, or loss and suffering are pretty certain to ensue. This fact is well illustrated by the present clamor for the movement of coal in the Northwest and by the complaint which has hitherto been heard when the railways were temporarily unable to handle without delay the tonnage offered for transportation. The problem of the railway manager is to provide men, motive power, rolling stock, tracks, and terminals enough for the maximum volume of traffic at any time seeking shipment. How shall he meet this problem if he may not be permitted, at any time, to utilize every locomotive, car, track, yard, and terminal facility to its utmost capacity in the performance of the services for which all of these facilities exist? And in order to do so, may it not become necessary at times, and under the stress of emergencies growing out of extraordinary pressure for the movement of commodities, to lengthen for a short time the hours of labor of the men who make up the human and most essential factor in the prompt, safe, and rapid movement of traffic? No one wishes to impose excessive hours of duty upon railway trainmen. Certainly no railway manager wants to require the continuance of exhausting labor beyond the point of perfect safety to the persons and property employed in the service of the public, as well as those carried. But within the reasonable limits thus fixed it ought to be lawful for the carriers to contract freely with their employees and to receive such service as the latter are willing to render.

The way the men themselves look at the matter was well stated before the Industrial Commission by the present Commissioner of Immigration, Mr. F. P. Sargent, who was then Grand Master of the Brotherhood of Locomotive Firemen. Mr. Sargent said:

"You can not put railroad men in the transportation department upon the same basis upon which men work at trades, in factories, and shops. The handling of transportation is an entirely different matter. * * * Those are conditions that can not be controlled by any specified law or regulation. We believe that there is manifest on the part of the railways a disposition to be as fair and equitable in the establishment of hours of labor for train-service employees as is practicable with the business to handle. * * * It might be obviated to a certain extent by increasing the number of employees and increasing the machinery; but when the dull time comes there would be that army of idle men. The men in the train service do not want an overproduction; they do not want the railroads loaded down with a great army of men in order that they may have it easy the whole year round. They are willing to take it rougher and work a little harder in the busy season, and then when the dull season comes there is plenty of time to rest up and earn fair wages. The railroad employees have an understanding with the employers that there shall be no more men employed than is necessary to move the traffic with dispatch, and during the busy times they take advantage of it and earn big wages, and when the dull season comes, of course they earn an average wage."

Mr. E. E. Clark, now an Interstate Commerce Commissioner, but then the chief of the Order of Railway Conductors; Mr. P. M. Arthur, chief of the Brotherhood of Locomotive Engineers, and Mr. W. V. Powell, chief of the Order of Railroad Telegraphers, united with Mr. Sargent in opposing, in most comprehensive terms, any statutory restriction of freedom of contract in this particular between the trainmen and the railways. As the only possible support for the constitutionality of the proposed restriction rests upon the claim that it is in the interest of public safety, it is worth while to note that Commissioner Clark suggested that such a law would increase the danger of accidents by requiring the promotion of too many inexperienced men to places of unaccustomed responsibility.

What the present attitude of the more experienced railway employees toward this proposal is may be gathered from the fact that several numerous bodies of conductors have recently protested against the passage of the La Follette bill or any similar measure, saying that as "the railway trainmen of the United States are of full age, possessed of sound minds, equipped with an intelligent comprehension of their own interests and of the business in which they are engaged," they are "therefore fully able to look after themselves in their relations with their employers." In other words, these employees reject the idea of legislative restriction as an impairment of their liberties.

But, whatever is to be said of the proposed statute, from the point of view of the trainmen or the railways or of fundamental principles, it is certain that the present is no time for the enactment of such a law. The whole industrial organization of the country is conditioned upon the adequate performance of the functions for which railways exist, and everywhere the cry is for more cars, more terminals, more service. All railway facilities are strained to their utmost capacity, and yet the movement of traffic is too slow to satisfy the impatient demands of the country's prosperity. In seeking to satisfy these demands the railways are in the market for more men, more cars, more locomotives, and more rails. Yet, without discouraging delays, they can secure none of these. Qualified men are scarcer than ever before, they demand and get higher wages than ever, and yet the supply is inadequate. Cars, rails, and locomotives ordered now won't be promised for delivery earlier than 1908, and every new order advances the delivery date.

Yet the proposed restriction would place the railways where the only way to avoid freight blockades and traffic congestion of altogether unprecedented extent would be to secure multitudes of new men, vastly increased terminal facilities, augmented sidings and yard tracks, tens of thousands more of cars, and thousands more of locomotives. A year's delay would inevitably be required to meet even considerable fractions of these demands. Is Congress going to lay the heavy hand of the law upon the business of the country without permitting the reasonable delay necessary for adjustment to the new requirements? That is a modest query. It is the least that those intrusted with the supervision of the railway business can ask of the National Legislature.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. Mr. President, I wish to change the notice I gave for remarks on January 14 to January 21, on account of the necessary absence of the chairman of the committee, who will be here at the later date.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, January 9, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1907.

COLLECTORS OF CUSTOMS.

George A. Alba, of Florida, to be collector of customs for the district of St. Augustine, in the State of Florida, in place of Thomas B. George, whose term of service has expired by limitation.

Antoine J. Murat, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida, in place of Jesse F. Warren, resigned.

APPOINTMENT IN THE ARMY.

General officer.

Col. Edward S. Godfrey, Ninth Cavalry, to be brigadier-general, vice Bell, to be appointed major-general.

PROMOTIONS IN THE NAVY.

Lieut. Commander George W. McElroy, an additional number in grade, to be a commander in the Navy from the 7th day of January, 1906, with Lieut. Commander Roy C. Smith, promoted.

Frank H. Stibbens, a citizen of California, to be an assistant surgeon in the Navy from the 4th day of January, 1907, to fill a vacancy existing in that grade on that date.

Midshipman Roy F. Smith, United States Navy, to be an assistant civil engineer in the Navy from the 3d day of January, 1907, to fill a vacancy existing in that grade on that date.

Gunner Wilhelm H. F. Schluter to be a chief gunner in the Navy from the 1st day of August, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

ALABAMA.

Nelson C. Fuller to be postmaster at Centerville, in the county of Bibb and State of Alabama. Office became Presidential January 1, 1907.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama, in place of Charles Hays, jr. Incumbent's commission expires January 22, 1907.

ARIZONA.

Milton Bohall to be postmaster at Nogales, in the county of Santa Cruz and Territory of Arizona, in place of Milton Bohall. Incumbent's commission expires January 22, 1907.

ARKANSAS.

Eva V. Harrington to be postmaster at Earl, in the county of Crittenden and State of Arkansas. Office became Presidential January 1, 1907.

CALIFORNIA.

John L. Brown to be postmaster at Turlock, in the county of Stanislaus and State of California. Office became Presidential January 1, 1907.

Fred E. Cornell to be postmaster at Sunnyvale, in the county of Santa Clara and State of California. Office became Presidential January 1, 1907.

Grace E. Fuller to be postmaster at Anderson, in the county of Shasta and State of California. Office became Presidential January 1, 1907.

John M. Johnson to be postmaster at Wheatland, in the county of Yuba and State of California. Office became Presidential October 1, 1906.

Isaac Purcell to be postmaster at Morgan Hill, in the county of Santa Clara and State of California. Office became Presidential January 1, 1907.

Morton E. Simmons to be postmaster at Chino, in the county of San Bernardino and State of California. Office became Presidential October 1, 1906.

CONNECTICUT.

Asa E. S. Bush to be postmaster at Niantic, in the county of New London and State of Connecticut, in place of Asa E. S. Bush. Incumbent's commission expired December 15, 1906.

John McGinley to be postmaster at New London, in the county of New London and State of Connecticut, in place of John McGinley. Incumbent's commission expired December 15, 1906.

Wilbur W. Smith to be postmaster at Seymour, in the county of New Haven and State of Connecticut, in place of Wilbur W. Smith. Incumbent's commission expires February 28, 1907.

GEORGIA.

Halbert F. Brimberry to be postmaster at Albany, in the county of Dougherty and State of Georgia, in place of Halbert F. Brimberry. Incumbent's commission expired December 10, 1906.

John B. Crawford to be postmaster at Cairo, in the county of Grady and State of Georgia, in place of John B. Crawford. Incumbent's commission expires January 31, 1907.

Alamo B. Harp to be postmaster at Jackson, in the county of Butts and State of Georgia, in place of Alamo B. Harp. Incumbent's commission expires January 22, 1907.

Christopher E. Head to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia, in place of Christopher E. Head. Incumbent's commission expired June 12, 1906.

Frank P. Mitchell to be postmaster at Americus, in the county of Sumter and State of Georgia, in place of Frank P. Mitchell. Incumbent's commission expired December 17, 1906.

IDAHO.

William D. Hardwick to be postmaster at Nezperce, in the county of Nez Perce and State of Idaho, in place of William D. Hardwick. Incumbent's commission expires February 28, 1907.

ILLINOIS.

Robert C. Boehm to be postmaster at White Hall, in the county of Greene and State of Illinois, in place of Robert C. Boehm. Incumbent's commission expired December 10, 1906.

Fred R. Brill to be postmaster at Hampshire, in the county of Kane and State of Illinois, in place of Fred R. Brill. Incumbent's commission expires January 23, 1907.

Anson J. Buck to be postmaster at Carpentersville, in the county of Kane and State of Illinois. Office became Presidential October 1, 1906.

Rufus East to be postmaster at Coulterville, in the county of Randolph and State of Illinois. Office became Presidential January 1, 1907.

Carrie Hovda to be postmaster at Leland, in the county of La Salle and State of Illinois. Office became Presidential January 1, 1907.

Milton H. Spence to be postmaster at Elmwood, in the county of Peoria and State of Illinois, in place of Milton H. Spence. Incumbent's commission expires January 23, 1907.

Fred M. Stoddard to be postmaster at Ramsey, in the county of Fayette and State of Illinois. Office became Presidential January 1, 1907.

Adam Trapp to be postmaster at Hawthorne, in the county of Cook and State of Illinois. Office became Presidential October 1, 1906.

Arch L. Wade to be postmaster at Farina, in the county of Fayette and State of Illinois. Office became Presidential January 1, 1907.

Frank L. Wilkins to be postmaster at St. Anne, in the county of Kankakee and State of Illinois. Office became Presidential January 1, 1907.

INDIANA.

Z. C. McGary to be postmaster at Owensville, in the county of Gibson and State of Indiana, in place of F. W. Hall. Incumbent's commission expired December 20, 1906.

Robert W. Morris to be postmaster at New Albany, in the county of Floyd and State of Indiana, in place of Robert W. Morris. Incumbent's commission expires February 9, 1907.

Edward Patton to be postmaster at Veedersburg, in the county of Fountain and State of Indiana, in place of John W. Cronk, resigned.

Stanley S. Tull to be postmaster at Monon, in the county of White and State of Indiana, in place of Stanley S. Tull. Incumbent's commission expires February 18, 1907.

IOWA.

William R. Boyd to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa, in place of William R. Boyd. Incumbent's commission expired January 7, 1907.

Merritt S. Brown to be postmaster at North English, in the county of Iowa and State of Iowa, in place of Merritt S. Brown. Incumbent's commission expires January 22, 1907.

George A. Danforth to be postmaster at Hamburg, in the county of Fremont and State of Iowa, in place of George A. Danforth. Incumbent's commission expired December 10, 1906.

Francis H. Farley to be postmaster at Sloan, in the county of Woodbury and State of Iowa, in place of Francis H. Farley. Incumbent's commission expired January 7, 1907.

Joseph W. Foster to be postmaster at Humboldt, in the county of Humboldt and State of Iowa, in place of Joseph W. Foster. Incumbent's commission expired January 7, 1907.

Alfred C. Harris to be postmaster at Eldora, in the county of Hardin and State of Iowa, in place of Alfred C. Harris. Incumbent's commission expired January 7, 1907.

Lewis B. Jenness to be postmaster at Danbury, in the county of Woodbury and State of Iowa. Office became Presidential January 1, 1907.

Emily L. Kerr to be postmaster at Victor, in the county of Iowa and State of Iowa. Office became Presidential January 1, 1907.

Edwin W. McCracken to be postmaster at Scranton, in the county of Greene and State of Iowa, in place of Edwin W. McCracken. Incumbent's commission expires February 19, 1907.

Robert S. McNutt to be postmaster at Muscatine, in the county of Muscatine and State of Iowa, in place of William D. Burk. Incumbent's commission expires February 4, 1907.

James F. Mentzer to be postmaster at Knoxville, in the county of Marion and State of Iowa, in place of James F. Mentzer. Incumbent's commission expired December 9, 1906.

William H. Needham to be postmaster at Sigourney, in the county of Keokuk and State of Iowa, in place of William H. Needham. Incumbent's commission expired January 7, 1907.

Charles S. Terwilliger to be postmaster at Garner, in the county of Hancock and State of Iowa, in place of Charles S. Terwilliger. Incumbent's commission expires January 14, 1907.

KANSAS.

George B. Crooker to be postmaster at Anthony, in the county of Harper and State of Kansas, in place of George B. Crooker. Incumbent's commission expired June 28, 1906.

Thomas W. Dare to be postmaster at Gardner, in the county of Johnson and State of Kansas. Office became Presidential January 1, 1907.

David K. Fretz to be postmaster at Canton, in the county of McPherson and State of Kansas. Office became Presidential October 1, 1906.

John M. McCammon to be postmaster at Esbon, in the county of Jewell and State of Kansas. Office became Presidential January 1, 1907.

Henry Nickles to be postmaster at Hope, in the county of Dickinson and State of Kansas. Office became Presidential January 1, 1907.

Jonah E. Nickols to be postmaster at Atwood, in the county of Rawlins and State of Kansas, in place of Jonah E. Nickols. Incumbent's commission expired December 15, 1906.

Joseph H. Woollen to be postmaster at Mankato, in the county of Jewell and State of Kansas, in place of Joseph H. Woollen. Incumbent's commission expires January 14, 1907.

LOUISIANA.

Frank E. Posey to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in place of Frank E. Posey. Incumbent's commission expired December 15, 1906.

MAINE.

Charles F. Hammond to be postmaster at Van Buren, in the county of Aroostook and State of Maine. Office became Presidential July 1, 1906.

MARYLAND.

Thomas R. Greene to be postmaster at Denton, in the county of Caroline and State of Maryland, in place of Thomas R. Greene. Incumbent's commission expires January 22, 1907.

Adolphus H. Harrington to be postmaster at Frederick, in the county of Frederick and State of Maryland, in place of Garrett S. De Grange. Incumbent's commission expired December 10, 1906.

John McFarland to be postmaster at Lonaconing, in the county of Allegany and State of Maryland, in place of John McFarland. Incumbent's commission expires January 22, 1907.

Morris L. Smith to be postmaster at Woodsboro, in the county of Frederick and State of Maryland. Office became Presidential January 1, 1907.

Robert R. Walker to be postmaster at Easton, in the county of Talbot and State of Maryland, in place of Joseph H. White. Incumbent's commission expires January 22, 1907.

MASSACHUSETTS.

Charles D. Brown to be postmaster at Gloucester, in the county of Essex and State of Massachusetts, in place of Charles D. Brown. Incumbent's commission expired January 6, 1907.

Charles E. Cook to be postmaster at Uxbridge, in the county of Worcester and State of Massachusetts, in place of Charles E. Cook. Incumbent's commission expired December 17, 1906.

Charles W. Lincoln to be postmaster at Holbrook, in the county of Norfolk and State of Massachusetts. Office became Presidential January 1, 1907.

Fred H. Torrey to be postmaster at Groton, in the county of Middlesex and State of Massachusetts, in place of Fred H. Torrey. Incumbent's commission expired December 9, 1906.

MICHIGAN.

Frank D. Ball to be postmaster at Crystal Falls, in the county of Iron and State of Michigan, in place of Frank D. Ball. Incumbent's commission expired December 20, 1906.

Lawson E. Becker to be postmaster at Fenton, in the county of Genesee and State of Michigan, in place of Lawson E. Becker. Incumbent's commission expired December 10, 1906.

James W. Dey to be postmaster at Springport, in the county of Jackson and State of Michigan. Office became Presidential October 1, 1906.

John Harwood to be postmaster at White Cloud, in the county of Newaygo and State of Michigan. Office became Presidential January 1, 1907.

E. Jefferson Hall to be postmaster at Marion, in the county of Osceola and State of Michigan. Office became Presidential January 1, 1907.

George W. Minchin to be postmaster at Evart, in the county of Osceola and State of Michigan, in place of George W. Minchin. Incumbent's commission expired March 19, 1906.

Philip P. Schnorbach to be postmaster at Muskegon, in the county of Muskegon and State of Michigan, in place of Horace L. Delano, deceased.

MINNESOTA.

John Chermak to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota, in place of John Chermak. Incumbent's commission expires January 13, 1907.

Chester A. Coborn to be postmaster at Sauk Rapids, in the county of Benton and State of Minnesota. Office became Presidential January 1, 1907.

Anders Glimme to be postmaster at Kenyon, in the county of Goodhue and State of Minnesota, in place of Anders Glimme. Incumbent's commission expires January 23, 1907.

Samuel C. Johnson to be postmaster at Rush City, in the county of Chisago and State of Minnesota, in place of Samuel C. Johnson. Incumbent's commission expired February 5, 1906.

Ernest P. Le Masurier to be postmaster at Hallock, in the county of Kittson and State of Minnesota, in place of Ernest P. Le Masurier. Incumbent's commission expires January 13, 1907.

John Lohn to be postmaster at Fosston, in the county of Polk and State of Minnesota, in place of John Lohn. Incumbent's commission expires January 13, 1907.

Emma F. Marshall to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota, in place of Emma F. Marshall. Incumbent's commission expires January 13, 1907.

Severin Mattson to be postmaster at Braham, in the county of Isanti and State of Minnesota. Office became Presidential January 1, 1907.

Charles A. Pearson to be postmaster at Roseau, in the county of Roseau and State of Minnesota. Office became Presidential January 1, 1907.

William Peterson to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota, in place of William Peterson. Incumbent's commission expires January 13, 1907.

Frederick T. Schlegel to be postmaster at Arlington, in the county of Sibley and State of Minnesota. Office became Presidential January 1, 1907.

Benjamin A. Shaver to be postmaster at Kasson, in the county of Dodge and State of Minnesota, in place of Benjamin A. Shaver. Incumbent's commission expires January 13, 1907.

Olaves A. Wilson to be postmaster at McIntosh, in the county of Polk and State of Minnesota, in place of Olaves A. Wilson. Incumbent's commission expired December 15, 1906.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, in the county of Neshoba and State of Mississippi. Office became Presidential January 1, 1907.

John B. Collier to be postmaster at Leland, in the county of Washington and State of Mississippi, in place of John B. Collier. Incumbent's commission expires January 22, 1907.

Mellicent R. McInnis to be postmaster at Moss Point, in the county of Jackson and State of Mississippi, in place of Mellicent R. McInnis. Incumbent's commission expires January 19, 1907.

MISSOURI.

R. N. Hillard to be postmaster at Hayti, in the county of Pemiscot and State of Missouri. Office became Presidential January 1, 1907.

NEBRASKA.

James H. Logan to be postmaster at Ponca, in the county of Dixon and State of Nebraska, in place of James H. Logan. Incumbent's commission expires January 22, 1907.

NEW YORK.

George Anderson to be postmaster at Castleton, in the county of Renssalaer and State of New York, in place of George Anderson. Incumbent's commission expired January 7, 1907.

Andrew D. Annable to be postmaster at Otego, in the county of Otsego and State of New York. Office became Presidential January 1, 1907.

Clarence M. Bates to be postmaster at Cherry Valley in the county of Otsego and State of New York, in place of Clarence M. Bates. Incumbent's commission expired December 9, 1906.

Paul R. Clark to be postmaster at Auburn, in the county of Cayuga and State of New York, in place of Paul R. Clark. Incumbent's commission expired January 7, 1907.

David Doremus to be postmaster at Piermont, in the county of Rockland and State of New York. Office became Presidential October 1, 1906.

Mary L. McRoberts to be postmaster at Tompkinsville, in the county of Richmond and State of New York, in place of Mary L. McRoberts. Incumbent's commission expires January 22, 1907.

Amelia L. Tyler to be postmaster at Hurleyville, in the county of Sullivan and State of New York. Office became Presidential January 1, 1907.

J. Wesley Van Tassell to be postmaster at Hopewell Junction, in the county of Dutchess and State of New York. Office became Presidential January 1, 1907.

Sarah H. Young to be postmaster at Cornwall Landing, in the county of Orange and State of New York. Office became Presidential January 1, 1907.

NEW MEXICO.

Tennessee C. Hill to be postmaster at Dawson, in the county of Colfax and Territory of New Mexico. Office became Presidential January 1, 1907.

NORTH CAROLINA.

William J. Flowers to be postmaster at Mount Olive, in the county of Wayne and State of North Carolina, in place of William J. Flowers. Incumbent's commission expires January 19, 1907.

OHIO.

Charles C. Chappelear to be postmaster at Circleville, in the county of Pickaway and State of Ohio, in place of Charles C. Chappelear. Incumbent's commission expires January 19, 1907.

Edward P. Flynn to be postmaster at South Charleston, in the county of Clark and State of Ohio, in place of Edward P. Flynn. Incumbent's commission expires January 26, 1907.

Rolla A. Perry to be postmaster at Plain City, in the county of Madison and State of Ohio, in place of Rolla A. Perry. Incumbent's commission expires January 19, 1907.

Delmar M. Starkey to be postmaster at Freeport, in the county of Harrison and State of Ohio. Office became Presidential January 1, 1907.

OKLAHOMA.

John D. Warford to be postmaster at Erick, in the county of Greer and Territory of Oklahoma. Office became Presidential January 1, 1907.

OREGON.

Thomas L. Ambler to be postmaster at Mount Angel, in the county of Marion and State of Oregon, in place of Thomas L. Ambler. Incumbent's commission expires January 14, 1907.

Henry Proctor to be postmaster at Elgin, in the county of Union and State of Oregon, in place of Henry Proctor. Incumbent's commission expired January 7, 1907.

Finley E. Roberts to be postmaster at Springfield, in the county of Lane and State of Oregon. Office became Presidential October 1, 1906.

PENNSYLVANIA.

John N. Brosius to be postmaster at Middleburg, in the county of Snyder and State of Pennsylvania. Office became Presidential January 1, 1907.

Alfred W. Christy to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania, in place of Alfred W. Christy. Incumbent's commission expires January 26, 1907.

John C. F. Miller to be postmaster at Rockwood, in the county of Somerset and State of Pennsylvania, in place of John C. F. Miller. Incumbent's commission expires January 26, 1907.

Jesse Oren to be postmaster at New Cumberland, in the county of Cumberland and State of Pennsylvania. Office became Presidential October 1, 1906.

Calvin B. Philips to be postmaster at Frackville, in the county of Schuylkill and State of Pennsylvania. Office became Presidential January 1, 1907.

RHODE ISLAND.

George E. Gardner to be postmaster at Wickford, in the county of Washington and State of Rhode Island, in place of George E. Gardner. Incumbent's commission expires January 26, 1907.

SOUTH CAROLINA.

James P. Bodie to be postmaster at Leesville, in the county of Lexington and State of South Carolina. Office became Presidential January 1, 1907.

Levi S. Bowers to be postmaster at Prosperity, in the county of Newberry and State of South Carolina. Office became Presidential January 1, 1907.

Benjamin H. Massey to be postmaster at Fort Mill, in the county of York and State of South Carolina. Office became Presidential October 1, 1906.

TENNESSEE.

William F. Millican to be postmaster at Rockwood, in the county of Roane and State of Tennessee, in place of William F. Millican. Incumbent's commission expires February 12, 1907.

Abraham L. Williams to be postmaster at Oliver Springs, in the county of Roane and State of Tennessee. Office became Presidential January 1, 1907.

TEXAS.

George W. Brown to be postmaster at Devine, in the county of Medina and State of Texas. Office became Presidential October 1, 1906.

Robert H. Walton to be postmaster at Walnut Springs, in the county of Bosque and State of Texas. Office became Presidential October 1, 1906.

George S. Ziegler to be postmaster at Eagle Lake, in the county of Colorado and State of Texas, in place of George S. Ziegler. Incumbent's commission expires January 20, 1907.

UTAH.

John A. Smith to be postmaster at Heber, in the county of Wasatch and State of Utah. Office became Presidential July 1, 1906.

VIRGINIA.

Charles A. McKinney to be postmaster at Cape Charles, in the county of Northampton and State of Virginia, in place of Charles A. McKinney. Incumbent's commission expires January 22, 1907.

Annie E. Martin to be postmaster at Waverly, in the county of Sussex and State of Virginia. Office became Presidential January 1, 1907.

Robert L. Poage to be postmaster at Wytheville, in the county of Wythe and State of Virginia, in place of Robert L. Poage. Incumbent's commission expires January 22, 1907.

WASHINGTON.

Thomas Bollman to be postmaster at Cashmere, in the county of Chelan and State of Washington. Office became Presidential January 1, 1907.

Theo Hall to be postmaster at Medical Lake, in the county of Spokane and State of Washington. Office became Presidential October 1, 1906.

Roderick R. Harding to be postmaster at Port Angeles, in the county of Clallam and State of Washington, in place of Roderick R. Harding. Incumbent's commission expired January 7, 1907.

WEST VIRGINIA.

Isaac M. Adams to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia, in place of Isaac M. Adams. Incumbent's commission expired December 16, 1906.

Charles Edwards to be postmaster at Montgomery, in the county of Fayette and State of West Virginia, in place of Charles Edwards. Incumbent's commission expired January 5, 1907.

James N. Knox to be postmaster at Shinnston, in the county of Harrison and State of West Virginia. Office became Presidential October 1, 1906.

Benjamin R. Twyman to be postmaster at Cairo, in the county of Ritchie and State of West Virginia, in place of Benjamin R. Twyman. Incumbent's commission expired January 13, 1906.

WISCONSIN.

Morris F. Barteau to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin, in place of Morris F. Barteau. Incumbent's commission expires January 23, 1907.

John W. Bell to be postmaster at Chetek, in the county of Barron and State of Wisconsin, in place of John W. Bell. Incumbent's commission expired January 7, 1907.

Charles P. Brechler to be postmaster at Fennimore, in the county of Grant and State of Wisconsin, in place of Charles P. Brechler. Incumbent's commission expires January 23, 1907.

Harry C. Hall to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin, in place of Harry C. Hall. Incumbent's commission expires January 23, 1907.

Nicholas A. Lee to be postmaster at Colfax, in the county of Dunn and State of Wisconsin. Office became Presidential January 1, 1907.

Egbert Marks to be postmaster at Menomonie, in the county of Dunn and State of Wisconsin, in place of Egbert Marks. Incumbent's commission expired January 7, 1907.

George A. Packard to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin, in place of George A. Packard. Incumbent's commission expired December 20, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 8, 1907.

PROMOTION IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. John S. Boggess to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 5, 1906.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Preston Henry Uberroth to be a captain in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906.

Second Lieut. Henry Ulke, jr., to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906.

Third Lieut. Ralph Waldo Dempwolf to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906.

Third Lieut. Roger Chew Weightman to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906.

UNITED STATES ATTORNEY.

John Embry, of Oklahoma, who was appointed during the last recess of the Senate, in the place of Horace Speed, removed, to be United States attorney for the Territory of Oklahoma.

MARSHAL.

William H. Mackey, jr., of Kansas, to be United States marshal for the district of Kansas.

POSTMASTERS.

INDIANA.

James P. Clark to be postmaster at Morocco, in the county of Newton and State of Indiana.

Laron E. Street to be postmaster at Brookston, in the county of White and State of Indiana.

IOWA.

Robert S. McNutt to be postmaster at Muscatine, in the county of Muscatine and State of Iowa.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 8, 1907.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ASSIGNMENT.

The SPEAKER. The Chair asks unanimous consent for the appointment of the Delegate named on the Committee on Territories.

The Clerk read as follows:

Mr. WASKEY, Delegate from Alaska, a member of the Committee on Territories.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MEMORIAL ADDRESSES ON LATE SENATOR GORMAN.

Mr. TALBOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the desk.

The Clerk read as follows:

Ordered, That the session of Saturday, February 2, 1907, at 2 o'clock p. m., shall be set apart for memorial addresses on the life, character, and public services of Hon. ARTHUR P. GORMAN, late a United States Senator from the State of Maryland.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. HEPBURN. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to ask unanimous consent that that committee may be permitted to sit during the sessions of the House during this week.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 23551) making appropriation for the Army for the fiscal year ending June 30, 1908.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Army appropriation bill.

Mr. HULL. Pending that, Mr. Speaker, I ask unanimous consent that general debate may run for six hours, one half of the time to be controlled by the gentleman from Virginia [Mr. HAY] and the other half by myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate may be closed at the end of six hours, to be equally divided between the majority and the minority, and to be controlled by the gentleman from Iowa, three hours, and by the gentleman from Virginia [Mr. HAY], three hours. Is there objection? [After a pause.] The Chair hears none.

The question was taken on the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23551, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

Mr. HULL. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman from Iowa whether it is his intention in any event to ask for the reading of the bill for amendment to-day?

Mr. HULL. Oh, no; we can not conclude the general debate to-day.

Mr. MANN. You could conclude it very easily if the time was exhausted.

Mr. HULL. I will say, Mr. Chairman, that, of course, whenever debate is exhausted and the House is in session I shall ask that we proceed under the five-minute rule.

Mr. MANN. Does the gentleman propose, then, to-day, if debate is exhausted, to proceed under the five-minute rule?

Mr. HULL. Unless the House indicates a desire to adjourn.

Mr. MANN. If the gentleman says that he will, I shall ask for the first reading of the bill. We have not been able to see the bill before to-day.

Mr. PAYNE. If debate should be concluded, we could read one paragraph, and then the gentleman could move to adjourn.

Mr. HULL. If the gentleman from Illinois desires to hear the bill read, I have no objection.

Mr. MANN. Neither the gentleman from Illinois nor any other gentleman in the House (except those in charge of the bill) has had any chance to see the bill until now. We have an opportunity to hear it now.

Mr. HULL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. MANN. I object.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill at length.

Mr. HULL. Mr. Chairman, it was not originally my purpose to take any considerable time for debate on this bill, as I always prefer to discuss different items as they come up for consideration by the committee under the five-minute rule; but I do want to call attention briefly to a few items in the bill.

First, the total appropriation this year amounts to $73,339,039. The total appropriation for last year amounted to $70,626,003. In other words, there is an increase of a little over two and a half million dollars in spite of the utmost effort of the committee to keep the amount within the sum appropriated for the current fiscal year.

I suppose it is impossible for the Government to continue its arm of defense without, in the near future, showing a much larger increase than this. The Committee on Appropriations from year to year report in the fortifications bill large sums of money for the erection of coast fortifications and the emplacement of large coast-defense guns. There has already been expended, as I now remember, about $73,000,000 for this purpose, and it is proposed to continue the expenditures until in the neighborhood of $125,000,000 shall have been expended.

The Army as it stands to-day, in its artillery branch, is not sufficient to give one shift to the guns already emplaced. The pay of the artillery is not sufficient to enable the Government to secure enlistments in that branch of the service. In the cavalry and infantry and Field Artillery there is not the same difficulty that exists with the Coast Artillery. In the Coast Artillery the work is largely mechanical, and the man who enlists puts on his overalls, takes his oil can, and becomes a skilled mechanic. In the schools for the enlisted men of the Coast Artillery a man receives instruction in electricity and general mechanism, and the result is that when his one term of enlistment expires he can retire to private life and receive a large advance of wages on account of the education the Government has given him.

We have a bill now before the Military Committee, which I hope will be reported here in the near future, that will give to the noncommissioned officers, the electricians, and the skilled men of the artillery an advance in pay that will be sufficient to secure reenlistments, and a bill that will give an increased number of men, so that these expensive guns can be cared for in time of peace with a small force, but the organization to be such that it can be expanded to a larger force in time of war.

This Congress either should increase the artillery arm of the service and increase the pay of the skilled men of the Coast Artillery, or it should refuse from now on to appropriate one dollar for coast defense. It is utterly futile to erect expensive fortifications and let them decay without any use whatever, becoming utterly worthless when war shall come, because of the lack of care in time of peace.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL. Yes.

Mr. MANN. Will the gentleman tell us what the pay is now in the artillery, and also whether there is any proposition to increase it in this bill?

Mr. HULL. Not in this bill. The pay of the artillery, infantry, and cavalry are practically the same. I will say to the gentleman that in the Navy——

Mr. MANN. Is not the gentleman mistaken in saying that the pay of the artillery is the same as the pay of the infantry?

Mr. HULL. Substantially the same. They get increased pay for expert gunners in the artillery and they get increased pay for expert riflemen in the infantry.

Mr. MANN. I thought we had increased the pay of the artillery at one time.

Mr. HULL. Increased the number.

Mr. MANN. What is the pay now?

Mr. HULL. I should have to have the Army Register to give it in detail. I will look it up and give it to the gentleman. I think it runs about $34 a month for sergeants and less for other noncommissioned.

Mr. MANN. The gentleman was discussing that subject.

Mr. HULL. The pay is exactly the same for the three arms of the service. The gentleman probably knows that one reason the Navy can retain their skilled electricians is because their pay is fixed by the President, and it corresponds better with what is given in private life, although no one proposes to increase the pay to what they can make by serving large corporations.

Mr. ROBERTS. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. HULL. I will.

Mr. ROBERTS. Did I understand the gentleman to say a moment ago that there are not enough men in the Coast Artillery to man the guns now in place?

Mr. HULL. I so stated.

Mr. ROBERTS. How many guns have you in place now?

Mr. HULL. The committee having charge of coast fortifications can tell better than I can.

Mr. ROBERTS. How many men are in the Coast Artillery?

Mr. HULL. The whole number authorized under the act of 1901 is a little over 18,000 men in Coast and Field Artillery. I think we have in the Coast Artillery and the Field Artillery actually about 14,000 men, although the Chief of Artillery this morning stated in committee that they were not quite 3,000 short.

Mr. ROBERTS. I would like to ask the gentleman a further question. Can not the Field Artillery man the Coast Artillery guns?

Mr. HULL. No; not unless you disband the Field Artillery. One is a mobile branch and the other stationary.

Mr. ROBERTS. Can the gentleman tell us how many men are necessary to man the guns of the Coast Artillery when all the guns are in place?

Mr. HULL. With a full equipment, at least forty-eight thousand.

Mr. ROBERTS. Is it not a fact that it will require fifty-odd thousand men to man all the guns?

Mr. HULL. I can not answer that question.

Mr. MANN. The Secretary of War says in his report that when the defenses are completed it will require 1,754 officers, 41,833 enlisted men, and that there are now available 514 officers and 14,153 enlisted men.

Mr. HULL. That includes both branches of the artillery.

Mr. MANN. No.

Mr. HULL. If they had it recruited to the full amount, there would be 18,000 men. The men now in Field Artillery are not available for Coast Artillery.

Mr. MANN. Those are the numbers now available.

Mr. HULL. But they are short of the number authorized by existing law.

Mr. ROBERTS. I would like to ask the gentleman a further question. With a full complement of men in the Coast Artillery, as stated by the gentleman from Illinois [Mr. MANN], what will be the annual charge for the pay and maintenance of these men, based upon the present rate of pay?

Mr. HULL. That would be a computation the gentleman could sit down and figure out with his pencil. It would cost substantially just as much more as we would increase the Army in proportion to what we now have. We have now 62,000 enlisted men, as I understand from the hearings we have recently had.

Mr. ROBERTS. What is the cost per man?

Mr. HULL. The appropriations for enlisted force, based on the present rate of payment—and that is not for the whole 62,000, for a part is for Hospital Corps—but for the enlisted men of the line of the Army now it costs $9,000,000 each year.

Mr. ROBERTS. And if we double that it will be nine millions more annually?

Mr. HULL. Yes; and with all the clothing and other allowances it would be a great deal more.

Mr. ROBERTS. Is it not a fact that with all the coast fortifications that we have, they are inadequate to defend the ports?

Mr. HULL. Mr. Chairman, I am not going into an expert opinion on the floor of the House upon such a question as that. The Government has entered upon a line of policy and is from year to year carrying it out. The men charged with this work are experts, and I assume are doing the work well. My opinion as to the value of the work is not valuable. I am inclined to doubt the great value of the opinion of the gentleman on this question, much as I respect his ability.

The Government has decided, under the lead of distinguished officers, to go into the fortification of all our seacoast places. The Government is carrying out that policy. Congress has adopted it. We are making appropriations from year to year to complete it; and whether we have done wisely or not is something that I ought not to be asked, and would not undertake to answer. I am not expert enough to answer. The gentleman lives on the coast and should know more about this than I. I live in the interior. As one of the Representatives of the interior of the country, having pride enough in my Government and its people, I have been willing to vote appropriations to make every foot of our seacoast absolutely safe from invasion, not because it could interfere with me or my people, but because it interferes with my country to have any foreign invader set foot upon our shores. If the experts have made a mistake——

Mr. ROBERTS. That is what I am getting at.

Mr. HULL. I can not answer it. But until we have better information, as long as the Committee on Appropriations submits each year under the rules additional sums to carry on this work, as one Member of the House I am in favor of it.

Mr. ROBERTS. Is it not a fact that the Department is recommending the replacing of some of the big 12-inch guns with guns of larger caliber because the 12-inch guns have not range enough to defend the places they are supposed to defend?

Mr. HULL. That would come before the Committee on Fortifications. The gentleman undoubtedly can get all that information when the bill continuing the fortifications of the country shall be before us. It does not come before the Military Committee at all.

Mr. ROBERTS. The reason I ask this is because the gentleman a moment ago, I understood, made the statement that if we did not go ahead with this fortification scheme, we had better stop where we are.

Mr. HULL. The gentleman did not understand me correctly.

Mr. ROBERTS. And I think we had better stop where we are and see what we have got in the way of coast defense and see if it is worth while spending the enormous sum he mentions.

Mr. HULL. Oh, how much time does the gentleman want? I will yield to him in a few minutes.

Mr. ROBERTS. I merely asked the gentleman a question.

Mr. HULL. Oh, no; the gentleman is making a speech, and a very good one. What I said was that unless we provided enough men to at least care for the guns in time of peace, it was foolish policy for the Government to continue to emplace guns and erect fortifications, abandoning them to the destruction of the weather, to the destruction of time, without proper care.

Mr. ROBERTS. The gentleman opens up a new line right there. I understand him to say that we ought to have enough men to take care of the guns in time of peace. Is it not a fact that these guns are very intricate machines, and that it takes a long time for men to learn how to manage them, to fire them; and to have the guns of any use whatever in time of war should not we have at least one shift for all the guns in place at one time, so that when war comes we would have men trained in the handling of the guns?

Mr. HULL. Mr. Chairman, the Chief of Artillery in his hearings this session states that with the concentration and organization now being worked out for the artillery that that is not necessary—to have a full shift for each gun—but to have within a radius of the concentration camps enough men to work the different guns at different times, and to have men so trained that in the event of necessity, if we have a large increase of the Army on account of war, to have enough trained men to put at the principal places with each gun and recruits to do the gun work that could be done with unskilled labor.

Mr. ROBERTS. That is on the theory that we know just where the enemy are going to attack us, is it not? They do not usually send word in advance where they are going to make their attack, do they?

Mr. HULL. The gentleman knows that we will never get in this country enough artillerymen to have all of them trained men, but it is exceedingly important for the Government to have such legislation as will keep a nucleus of trained men in this branch of the service.

Mr. ROBERTS. Now, I would like to ask the gentleman——

Mr. HULL. I will not yield any longer to the gentleman. I am tired of this. I decline to yield any further on this. It is not in good faith at all. I yield to the gentleman from New Jersey [Mr. WILEY].

Mr. WILEY of New Jersey. Mr. Chairman, I simply want to say that I understand the gentleman's impression is that an artilleryman has to be trained by months of service. During the civil war I happened to be for a portion of my service in the artillery. It took three months to turn out an artilleryman of any value, and this applied to the old muzzle-loading gun, because the civil war was fought with muzzle-loading guns. In this day of the breech-loading gun used at the present time, it takes much more time and a great deal more care to properly train an artilleryman. In fact, a man to be an artilleryman properly trained to use a breech-loading gun must nearly be a machinist and something of an electrician. He has to have such knowledge of electricity as will enable him to understand its application to a breechloader. Those factors all come in.

Mr. ROBERTS. Now, Mr. Chairman, perhaps the gentleman from New Jersey will answer the question I want to ask the gentleman from Iowa. Is it not a fact that these big modern 12, 14, and 16 inch guns are very intricate machines and deteriorate rapidly unless the best care is taken of them?

Mr. WILEY of New Jersey. That is true.

Mr. ROBERTS. And if these guns are left idle until wanted, they will not be in a condition for use. Is not that true?

Mr. WILEY of New Jersey. They will be in condition for use if the Government provides a sufficient number of men to care for them when idle.

Mr. ROBERTS. Is there a sufficient number now?

Mr. WILEY of New Jersey. There is not.

Mr. ROBERTS. I would like to ask the gentleman if he knows the fact, or, rather, if it is not the fact that the War Department have been obliged to withdraw men from the various forts where these big guns are emplaced and consolidate them in one or two forts in order to have enough men to train up in the handling of the guns?

Mr. WILEY of New Jersey. Well, I do not think the gentleman is quite correct in saying one or two ports. I believe the

gentleman's statement is correct that they have had to withdraw them.

Mr. ROBERTS. Is it not a fact there are five forts in this new scheme of fortification around the port of Boston; that the men have been withdrawn and consolidated in one or two forts and they have not men enough to man the guns there?

Mr. WILEY of New Jersey. I do not know as to that, but I want to say to the gentleman that a party of engineers, of which I was one, went down to Sandy Hook to see the fortification, and went in charge of General Murray, a personal friend of mine, whom I have known since he was first lieutenant, and he took some trouble to explain all this business to me which I am now explaining to the House, and he was strenuous on the point that the artillery force should be increased, and I sincerely hope that that phase of this bill will prevail, because if we do not do it we certainly will not have the men in case of an emergency.

Mr. HULL. Mr. Chairman, there is nothing in this bill increasing the enlisted force of the artillery. I am only explaining what might come, but I want a word further on this artillery business, and that is that only recently the Congress transferred from the Engineer Corps to the artillery the torpedo defense of the country, and that requires more men than would have been required for the artillery alone if it had been simply for the care of the guns, and it is certainly as important that the Government should have skilled men in the artillery service as it is in the torpedo service. The gentleman from Massachusetts seems to carry out the idea that coast defenses are not of any particular benefit to the country. I want to say, Mr. Chairman, that where cities are properly fortified with modern guns and modern defenses no battle ship can pass them.

Mr. WATSON. Is it not a fact that our friend from Massachusetts is more interested in the submarine proposition than in the coast-defense proposition?

Mr. HULL. I am unable to answer.

Mr. WATSON. And is he not attacking the inadequacy of the coast fortifications in order thereby indirectly to show the necessity for the submarine defense?

Mr. ROBERTS. Mr. Chairman——

Mr. HULL. I am unable to answer the question. I yielded to the gentleman a little while ago, and I would like to have the privilege of three minutes' consecutive talk. It is hard to go back and pick up a line when one's statement is so much broken up.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. HULL. I will not yield until I get through with what I am saying.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. HULL. The question of fortifications, as I say, where a city is properly fortified, where it has modern guns emplaced, where it commands the entrance to the harbor, no vessel of war can pass them. They can destroy any fleet. The only way they can be taken is by landing an armed force and coming up from the rear. You had an illustration of that in the Japanese-Russian war. You had a splendid illustration of that at Port Arthur, where all the fleet of Japan could have made no impression on that place, never could have taken the fortress, never disturbed the land occupation except by coming from the rear by slow approaches and capturing the fortifications by a land force. And the torpedo played a wonderful part in that war, Mr. Chairman, by destroying vessels that would break through the outer lines before they could get near enough for their guns to do any damage on shore. So far as the submarine boat is concerned, that is an experiment yet. Let us hope that it will be another important arm of defense, but so far in no war has it demonstrated its usefulness. The mines have done so and the guns have done so, and the Coast Artillery now lay the mines.

The committee has submitted, under the "Pay of the line of the Army," the same proposition, practically, submitted at the last session of Congress in this proviso:

Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall affect the retired list.

The last proviso is additional to what was submitted before. The question was raised that unless the last proviso was inserted, when the office became vacant on the active list it would cease and determine altogether. We believed that at the last session of Congress a large majority of the Members of the House were in favor of abolishing the office of Lieutenant-General. It went out on a point of order, because there were still two distinguished officers who had served during the civil war and were slated for this office. This now takes care of every officer who served in the civil war who could ever hope or expect to be Lieutenant-General. The present officer, General MacArthur, holds it until, I think, 1909. It does not disturb his tenure, but when he shall be placed on the retired list it does provide that it shall not thereafter be filled, and I hope no point of order will be raised against it this time. It is subject to it, of course.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa [Mr. HULL] yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. HULL. Certainly.

Mr. GROSVENOR. I think the expression of opinion in the House on the question that was made last year, which involved putting an end to the office of Lieutenant-General even earlier than the provision of this bill, indicates that the House was very strongly in favor of suspending any further promotions to that rank. I thought that was a fair expression.

Mr. HULL. I think that was a fair expression of the House. We have inserted a provision of law in the bill as follows:

Provided further, That section 169 of the Revised Statutes of 1878 be amended to read as follows:

"SEC. 169. That each head of a Department or independent bureau or officer of the Army in command of any army headquarters or post or the office of the Chief of Staff is authorized to employ in his department or bureau, or in any branch or division thereof or at such army headquarters or post or in the office of the Chief of Staff, wheresoever located, such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year."

The law as it has stood since the passage of the original section provided for departments. Under that provision there has every year been appropriations for clerks at divisions and departments and in the office of Chief of Staff. Originally, some thirty-five years ago, it was carried by an army-service detachment. I think when the Committee on Appropriations had both appropriation bills they decided it was too expensive, because it paid them practically the pay of clerks and gave them the privilege of retirement, and it was changed to a civil clerk list and has been carried as such ever since. Last year, on a point of order, the Chairman of the Committee of the Whole House decided it would not be in order to appropriate for these clerks at all. There was no question raised as to the absolute necessity of the clerks. There could not be any, because they had been carried for all these years on one bill or the other, so that the necessity for them had been recognized by every Congress, and it was impossible to carry on the business of the Government without them. To obviate that a bill was introduced changing the law to the form we have reported it in. It went to the Committee on the Judiciary, and the Committee on the Judiciary reported it back with the recommendation that it pass. The committee has incorporated it in this bill. In order to obviate all trouble, reporting, as we do, for the full pay of the clerks, we also incorporate this change of the law, so that hereafter there can be no question as to the right to pay these clerks employed by the Government. We put in another proviso here that changes the law in regard to rations. We provide that where an emergency ration is issued it will not, as the law now stands, be in lieu of the regular rations, but shall be in addition, and that is made necessary by this fact—that an emergency ration is not issued to be used the day it is issued.

It is to give them to troops away from the source of supply. If the law stands as it is, a soldier the day an emergency ration is issued will go without anything to eat. Therefore having the reservation in this, we provide they may issue the regular ration the same day they issue the emergency ration.

There is another provision here, for the sale of stores of the Army, that we were not willing to give as full authority as the Department asked. They claimed that on account of the Army in Cuba and the Philippines it frequently became necessary to sell stores which were not condemned. Under the law to-day stores can be condemned and sold, but this allows the sale of stores still good; but it would cost more to retain them and bring them back to this country and distribute them than to sell them and get what they could out of them. As originally submitted it applied to the whole country, but the committee has limited it to Cuba and the Philippine Islands alone. So that we think it can do no harm and, possibly, do great good.

There is one other amendment, or change of law, to which I desire to call the special attention of the House. That is in regard to the increased allowance for commutation of quarters. Under the law now every officer of the Army is allowed quarters where the Government has them, two rooms for a second lieutenant, two rooms for a first lieutenant; three rooms for a captain; four rooms for a major; four rooms for a lieutenant-colonel, and five rooms for a colonel, and six rooms for a brigadier-general; seven rooms for a major-general, and $100 per

month for a lieutenant-general. If an officer is stationed where there are no quarters owned by the Government he is allowed $12 a month in lieu of quarters for each room. In this provision here we have, beginning with a first lieutenant, given an increase of number of rooms allowed to each officer. It gives the first lieutenant one increase, making his three; a captain four, a major five, a lieutenant-colonel six, a colonel seven, and so on, eight and nine rooms; and in lieu of these rooms, if he is stationed in Washington, Chicago, or San Francisco, or any of the cities where the Government has no quarters, he gets $12 a room.

Mr. Chairman, I want to say that there is not a Member of the House who does not know that there is not any officer stationed in cities like New York, Chicago, San Francisco, Omaha, St. Louis, Washington who is not compelled to pay more for a house for himself and family to live in than this increase we have given. It is virtually an increase of $12 a month to an officer on detached service where rooms can not be furnished by the Government.

Mr. MANN. This is a virtual increase in the salary of certain officers?

Mr. HULL. No; hardly that, but the effect is the same.

Mr. MANN. That is what it amounts to.

Mr. HULL. Oh, no; it is not an increase in the salary, for this reason: Practically nine-tenths of the officers are furnished with quarters.

Mr. MANN. I said an increase in the salaries of certain officers.

Mr. HULL. It only applies to a few officers. An officer who is on detached service. An officer who is ordered to Washington has no right to question whether he will come or not. It is not an increase of salary, because he is compelled to come here, and he is compelled to rent some quarters for himself and family. The Government now says that a first lieutenant shall be given two rooms. As a general proposition, when a man has got to be first lieutenant he has been long enough in the Army to be married and have a family. It now gives the captain three, and the major four, and so on. Now, the first lieutenant can have three rooms, in lieu of which he can have $36.

Mr. MANN. Why do you make a distinction between the first and second lieutenants?

Mr. HULL. Because a second lieutenant has just graduated and very rarely is a married man at all, and he is given two rooms. When a man gets to be a first lieutenant he has likely been in the Army long enough to want to get married.

Mr. MANN. You make this proposed increase because of the increased cost there has been in rent?

Mr. HULL. There has been a large increase in rent.

Mr. MANN. And you recognize the increased cost of rent, but do not recognize the increased cost of anything else?

Mr. HULL. Of course there has been an increase in all living expenses, but we have not dealt here with any increase in salaries in the Army.

Mr. MANN. It seems to me that, as a rule, there has been less increase in rent than in anything else.

Mr. HULL. There has been a material increase in rents in Washington since I have been here. I do not know how it is elsewhere.

Mr. MANN. There has been no increase in rents since I have been here.

Mr. HULL. I think the gentleman is mistaken, because I rented a house here since the gentleman has been here and gave it up because of an advance in rent and rented another one.

Mr. MANN. That is possible. The gentleman probably desired to live in better quarters; but being content to live always in a modest house, I have paid the same rent for years.

Mr. HULL. I have always lived in a modest house. I want to say to the gentleman that I think the testimony everywhere is that there is an increase in the cost of providing rooms, and I want to say to the gentleman that, in my judgment, there never was as much commutation of quarters as should have been given in lieu of the quarters that are furnished by the Government.

Mr. MANN. Does not the gentleman, after all, think there is some question about the whole theory of furnishing commutation of quarters?

Mr. HULL. Oh, certainly not. It is a part of the contract. When an officer goes into the service he gets quarters. That has always been a part of his pay.

Mr. MANN. I understand that.

Mr. HULL. You take the theory——

Mr. MANN. I am talking about the theory. Why was it not made a part of the pay direct? We give the pay and then we give extra allowances and then we give commutation of quarters, and then we furnish wood at so much a cord——

Mr. HULL. One minute.

Mr. MANN. Then we do this thing and that thing.

Mr. HULL. It would not be fair to give every man of the Army this increase, because nine-tenths of them get it in quarters at posts in larger measure than this proposes to give it to them away from the posts; and you would then take them away from their commands and make them live in the city at an increased expense, and give them the same pay as you do at the posts where quarters are furnished them. The gentleman knows that would not be fair.

Mr. MANN. I notice they are mighty anxious, generally, to get from the posts into the cities.

Mr. HULL. Some are. A great many are not.

Mr. MANN. A great many who are not are not sent there. Those who want to get into the cities are sent there.

Mr. HULL. I know a great many officers who consider it a hardship to be compelled to serve in the cities, and who would prefer to be with their commands; but their preference is not considered. Of course, this provision is subject to a point of order, but I wanted to explain it now, thinking that it would so appeal to the fairness of every Member of the House that no man would raise a point of order against it. We have made some changes in the bill in regard to appropriations for barracks and quarters.

Mr. KAHN. I thought the gentleman was talking about quarters.

Mr. HULL. It is commutation of quarters that we have been talking about. Now, under the head of "Barracks and quarters" we are met with the embarrassment of two committees legislating for the same thing. The Appropriations Committee have always carried appropriations for what are called "Military posts." The Military Committee have carried appropriations for "Barracks and quarters," and yet the two are identical, there being no difference in them at all; but it gives a certain amount of indefiniteness as to the amount of money that Congress is going to appropriate.

We have this year a very large estimate for the artillery for coast-defense posts, asking of us $1,372,000 for the erection of buildings for the Coast Artillery, and asking in another place for $635,000 for military posts. Altogether there was over $2,000,000 for military posts, and for this one item of the artillery $635,000. The Chief of Artillery in his statement before the committee said that the entire amount that he wanted this year to complete all that he hoped for this year would be $1,400,000; and yet here in these two appropriations they ask us for the artillery alone over $2,000,000, not counting the Field Artillery at that. There seems to have been a large increase in the amount of appropriations proposed. The way the bills have always been passed they would estimate for a million and a half dollars for artillery, and a million and a half for all other posts, and if the amount was cut down, they could expend all that was given in any place, for there was nothing in the law to designate what proportion should be expended for any particular purpose. This year we have divided it; we believe that there is a large increase in the expenditure in this line that should be checked; whether right or wrong the House can determine.

We have spent since the Spanish war more than $50,000,000 in erecting buildings to house the Army. We started out, when Mr. Outhwaite was chairman of the committee, with the theory of abandoning the small posts on the frontier and establishing regimental posts as far as practicable, distributing them in the different States for two purposes—one to popularize the Army by bringing it in contact with the people and another to give to the children the benefit of better schools and maintenance of the Army at a less cost, as they claimed, for administration. The posts on the frontier required not only a long haul by rail for supplies, but frequently a long haul by wagon, so that it was expensive to maintain them. Congress started out on that plan, and we have established a large number of regimental posts. It is proposed now that they go in and establish brigade posts. The testimony before us was that we now have quarters enough to care for the Army, including all those that are in Cuba, but not including all those in the Philippine Islands. If it were necessary, or if it were probable that in a short time we would cease to keep our soldiers in the Philippine Islands, it might be necessary to continue larger appropriations for barracks and quarters, but no man believes that in the near future the United States Army will be moved out of the Philippine Islands. So that we have, outside of the Coast Artillery, completed the absolutely necessary housing for the care of the Army.

Last year the appropriations were a little over $3,000,000 for barracks and quarters, and our information at that time was that that would substantially complete this line of large appropriations and that hereafter it would be mostly for repairs. That was a large reduction on what we had been appropriating from year to year. This year they want about six millions and

a half from the Army bill and more than two millions from another committee. We have taken off three millions and separated it, so that we give two millions for barracks and quarters in the country generally, and we give $1,300,000 under another head, specifying that it is for Coast Artillery. We make separate provision, and we have added a proviso there that I think, by striking out the word "hereafter," is not subject to a point of order, because it is a limitation only. It is as follows:

Provided, That hereafter no part of the appropriations for barracks and quarters shall be expended at brigade posts unless by authority of Congress, and no part of this appropriation shall be expended at posts proposed to be abandoned.

We have been hearing for years a proposition to abandon a great many posts. If posts are going to be abandoned there is no sense in spending money on them; and we want the proper authorities to formulate some plan by which Congress can retain control of where the money goes, and that these posts that should be abandoned will be abandoned; and when it becomes necessary to establish a new line of policy, abandoning the regimental posts and going into brigade posts by which the Army can all be maintained at four or five places. If that is the better policy, the Committee on Military Affairs believe that Congress should have full information and full knowledge, so that it can maintain control. Otherwise, Mr. Chairman, there is no certainty what line of policy will be followed by the Administration more than four years at a time. Since I have been chairman of this committee we have had two or three changes of policy in this matter, and what guaranty have we after we go ahead and erect brigade posts, with the abandonment at least of two-thirds of the money expended for the last ten years, that the next Administration may not be of such a character that they would want to do something to show that they, too, were working for the good of the country and change the policy of the present Administration. But if Congress is to have jurisdiction, as it should have over every dollar of money that is expended for the public service, wherever a change is submitted, let it come here, and if it meets with the approval of the majority of Congress it will be adopted, and it can not be changed except by a majority of Congress. So I hope that this restriction will be held. I want to say frankly that the Secretary of War is opposed to it, and that he said to-day that he did not believe this restriction would accomplish what we desired, but I told him if it did not accomplish what we desired, it then would do no harm to anybody.

Mr. MANN. Where is the restriction?

Mr. HULL. It is on page 31 of the bill. There has been a change in many lines of policy brought about by changes of Administration—naturally so.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. HULL. Certainly.

Mr. KEIFER. I understood the gentleman to say that there was no appropriation specifically made in this bill for any quarters or barracks in the Philippine Islands.

Mr. HULL. Oh, yes; there is.

Mr. KEIFER. Specifically?

Mr. HULL. Oh, yes; in another provision. That is separate and always has been separate, but I said that heretofore the appropriation for the barracks and quarters did not differentiate the amount that was to be expended in the Coast Artillery and the interior posts of the country. But there is specific appropriations for the Philippine Islands, and I will say to the gentleman that while I think we have been going pretty rapidly on that, yet I was not willing to cut down one dollar that the Department said was necessary in order to properly care for our troops in the Philippine Islands, and we gave them all they asked for.

There is another proposition in this bill that I do not cordially indorse and yet the committee is for it, and that is for maneuvers every year. In my judgment, once in two years is often enough to have these general maneuvers. It costs directly about $2,000,000 a year, and may largely exceed that, counting all the expenses. I do not believe it benefits the militia as much as if the Government would appropriate and send a regiment of infantry, a squadron of cavalry, and two batteries of artillery to the State encampments, with a brigadier-general in command, to teach all that can be taught in time of peace of the methods of war. In that way all the militia would have the benefit from these maneuvers. In this way one regiment from each State has the benefit of the maneuvers. I think no nation has its regular army all in maneuvers every year. I think in Germany it is once in three years. Their army is so large that it takes three years to make the rounds. In France it is once in three years for the same reason. But we are proposing to have these maneuvers every year, when all of our regular troops can have the privilege of participating, but not all the militia. Congress in adopting this policy did so with a view of having the National Guard benefited, and only about one regiment from the State getting any benefit from it. I believe that in these maneuvers the best thing that can happen the Army, both the regular and the volunteer, is to march them to the different places, and when they are there keep them under tents and not in houses. I am not one of those that believe that a sham battle teaches much of war anyhow. The place is all agreed upon by the opposing generals, where they are to come together, and which is to try to get there first. Every man knows that he is not in a particle of danger, and so he goes into it with perfectly calm nerves, knowing that he may have to burn powder but will not hear the whizz of the bullets. In actual war one general may try to bring on an action at a certain place and the other general may be interested in having it at some other place, and they are liable to meet between the two places, neither of them getting exactly what he wants.

So I do not believe that prearranged maneuvers—sham battles—are worth much except for the exercise they give and for the training in rapid firing they may afford. I believe that when they do have them the Army should always live in tents and act the part of soldiers in time of war. I do not know that I care to take up the time of the House further. There are other provisions that will probably call up some discussion. I propose to take them up when we reach the bill under the five-minute rule, and I hope that we will have the attention of the gentleman from Illinois [Mr. MANN] when we are considering the bill under the five-minute rule, and that he will be glad to aid the committee in getting these reforms I have suggested incorporated in the bill.

Mr. ROBERTS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HULL. Yes.

Mr. ROBERTS. I understand the gentleman has concluded his remarks, so it will not interfere with the continuity of his argument if I ask him a question or two. If he feels like shedding a little light on the fortifications matter and will answer a question or two I will ask them; if he does not care to go into that any more I will not disturb him.

Mr. HULL. Mr. Chairman, the only part of the fortifications matter I have anything to do with whatever is to provide the line of the Army, the enlisted force of the artillery. If it is determined we do not want fortifications we do not need an increase of the artillery. If it is determined to carry out the fortifications and care even for those you have, you do need enlisted men, and that is all I have to do with it. To go into the other question which the gentleman is trying to exploit, which comes from another committee, I do not propose to be drawn into a fruitless discussion.

Mr. HAY. Mr. Chairman, I yield the gentleman from Texas [Mr. SLAYDEN] such time as he may desire.

Mr. SLAYDEN. Mr. Chairman, although I have had the privilege of serving in this House for ten years, I have not quite grown accustomed to the habit of speaking to one bill while another was being considered. But I have just had an illustrious example of how it may be done, and it has put me somewhat at my ease in that respect. For nearly half an hour we have had an active discussion of a bill for an increase of the Artillery Corps, a bill that is not before the House, and which, so far as I am informed, has not even been considered yet by the committee to which it was referred. With this example to guide me, I shall now, Mr. Chairman, beg the indulgence of the House while I talk upon a matter that I wish to state frankly is not here in the form of a bill.

Mr. Chairman, at the beginning of the present session I submitted a bill to amend the military laws so that after July 1, 1907, there would be no negro regiments in the Army of the United States.

For a long time I have looked upon it as a desirable military reform. Recent events of a startling and deplorable nature have convinced me that it is urgent. It can not be delayed, I apprehend, without risking a collision between white citizens and negro troops. There is reason to fear that occasional assassination and riot may be succeeded by disasters that will measure up to the standard of battle. Firmly believing that, as I did, I regarded it as a duty to try to prevent such a condition by amending the law. A series of violent outbreaks on the part of negro soldiers, culminating in a murderous assault on the unoffending citizens of Brownsville, decided me to offer the bill without further delay. The bill was not offered for buncombe. I proposed it because I am absolutely convinced that it is a measure of reform which must ultimately commend itself to the judgment of the American Congress. I very much regret to say, however, that there does not appear to be any immediate

prospect of success. Like many good legislative suggestions, it will probably have to die the death many times before the mind and conscience of a majority can be awakened. The lack of active sympathy for my measure among such of my Republican colleagues as I have spoken to about it makes me realize that I am not apt to have an opportunity to discuss the bill as pending before the House, and so, Mr. Chairman, I shall avail myself of this occasion to speak of it.

In the history of the negro troops of the United States one finds many chapters that tell of violent breaches of discipline, of riotous and mutinous conduct, of murder and race hostility. All these are to be found in the cold, formal, official reports filed in the Department of War. These reports are not written with any consideration of the great politico-social question on which they have an important bearing, but it takes no very alert student to find the race question running all through them. As a rule, official reports are lacking in vitality, but these, when they touch even remotely the great, hopeless, and insoluble question—and if any question about the affairs of men is hopeless and insoluble this is—that confronts a large section of the country, throb and vibrate with human interest.

In declaring their unfitness to be American soldiers I have in view only the circumstances of their service. I do not impeach their physical courage. That is a virtue that belongs to nearly all men, and if there is any difference between savage and civilized man in this respect it possibly lies with the savage, who is undeterred from rash ventures by thought of the consequences.

But courage is only one of the qualities required in a good soldier. There should be between him and the people whose uniform he wears perfect sympathy and a common aspiration. This sympathy, this aspiration, does not exist between the blacks and whites, and in the very nature of things can never exist. It is prevented by basic and unalterable differences.

This may be denied by some gentlemen who have only theoretical knowledge of the negro or who have at odd moments studied in a casual and superficial manner the occasional specimens that have been brought to their attention; but it is true as gospel, as all men know who have studied the question at close range. Sympathy of the sort that welds people into a homogeneous political and social mass never has existed and never will exist between negroes and Caucasians. It is not only contrary to nature, but so contradictory of human experience that it is folly to expect and crime to build upon it. The incompatibility of races of a pronounced physical dissimilarity has been recognized and pointed out by many writers and travelers. Froude, in his fascinating book, The English in the West Indies, speaks of it. That distinguished gentleman, whose clear mind and high character all Americans admire and who will soon become the British Ambassador to this Government, Mr. James Bryce, speaks of the negroes in this country as "really a different nation dwelling beside or among, but not intermingled with, the white nation." As a philosopher and a statesman, and from a plane far above partisanship, he discusses the relations between the colored and the white races, or, as he terms them, the "advanced and the backward races of mankind."

Speaking at the University at Oxford, in 1902, about the natural hostility between the races of men who are physically dissimilar, he said:

> Nothing really arrests intermarriage except physical repulsion, and physical repulsion exists only where there is a marked difference in physical aspect, and especially in color.

In the same lecture Mr. Bryce directed the attention of his audience to the fact that the feeling of repulsion existed between all dissimilar races and was more or less intense as the difference in color was more or less pronounced. There undoubtedly exists a marked race antipathy between the white and the Asiatic races, though less intense than that between the Caucasian and the negroid types.

Charles Francis Adams, of Massachusetts, than whom, I take it, the negroes never had a better friend, who has made a careful study of the race question, who has even gone to Africa for first-hand information, says "the race prejudice seems insurmountable."

It is not my duty, nor is this the time or place, to explain, justify, or condemn the feeling. I merely assert as a fact that mutual race antipathy does exist, that its existence has been recognized by students of the question who have considered it on a plane far above partisan politics, and that it is folly to ignore it in our legislation. If we persist in the folly, we will surely end in disaster.

This deep-seated and ineradicable race hostility, which grows daily more acute, is not peculiar to the United States. Although dormant when apart, it is unfailingly developed everywhere by contact and competition. It has written tragic chapters into the history of Asia, Africa, and Europe. The Moors were as unwelcome to the people of the Spanish Peninsula as the Chinese and Japanese are to our fellow-citizens on the Pacific coast, and it will not do to dismiss the Pacific coast race question by saying that the objection to Asiatic immigration in California is only from the hoodlum element. It runs through all classes of society.

It was my privilege to visit the city of San Francisco in company with a distinguished citizen of that city, then and now a Member of this House. With him I visited the Chinese quarter in that great and unfortunate city. Under his intelligent direction I was shown how the Chinese question impinged upon every phase of the life of the citizens of the city of San Francisco. He indicated to me in an unmistakable way the physical dangers from contact, the danger from disease, the opportunities for and tendency to crime, the increase of all sorts of social and sanitary conditions which are to be avoided if possible, all due to the Asiatic congestion. Furthermore, he showed me by examples the disastrous competition of the Asiatics with the citizens of San Francisco and California, his constituents. He convinced me that if this Congress did its duty to the people of the American Union who reside upon the Pacific coast it would forever make it impossible that those competitors in great numbers should be permitted to come in from Asiatic countries. Therefore, Mr. Chairman, I think I risk nothing in saying that what I assert about this race question will be confirmed by every citizen of California.

The race prejudice which exists on the Pacific coast is only another form of the race question which is presented to us in the South and is not confined to the hoodlum element of the city of San Francisco, as many theoretical students of the question residing in the eastern part of the United States have held. It sometimes happens that the man who is slowest to think is quickest to act, and I have no doubt, Mr. Chairman, that the violence which occasionally occurs in handling that question in the city of San Francisco has been as much in the thoughts of the higher as in the lower classes of society.

Mr. KAHN. Will the gentleman yield for a moment?

Mr. SLAYDEN. With pleasure.

Mr. KAHN. In that very connection I desire to call the gentleman's attention to the report that was spoken of in the newspapers, which was presented in the British Parliament some months ago, with reference to the condition of the coolies in the South African gold fields. The people of California have always maintained that the oriental has vices which contaminate the white race, and the report which was presented in the British Parliament showed that the coolies in South Africa were so vicious in morals and indulged in vices so abhorrent to our civilization that the report was proclaimed to be absolutely unprintable. That shows conclusively that the people of California, who are thrown in direct contact with these Asiatics, are not in error in their estimate of the morality of the oriental. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I will say to my friend from California [Mr. KAHN] that my information is as he has stated, that that report was not printed because it would not do to print; but I will also say to him that while I sympathize with him, and while I mean as a Member of Congress, so long as I may have the honor of being a Member of this body, to help him solve that question properly, I am not altogether sorry that he has an acute phase of it presented for his consideration and that of his fellow-citizens out there on the Pacific. [Applause on the Democratic side.]

Being greatly distressed at home by what Mr. Adams, of Massachusetts, calls "the insoluble question," my sympathy goes out to the white people of California who have a similar but lesser trouble.

Admitting the existence of hostility between dissimilar races who, because of circumstances that this generation can not influence, occupy the same territory and live under the same political institutions, is it not unwise to arm the backward and less responsible people and station them in the neighborhood of the others? I think so, and upon that belief my bill was predicated.

Let us now see what facts bearing on this question the records of the Department of War will disclose.

FORT MEADE INCIDENT.

The Twenty-fifth Infantry, three companies of which were recently dismissed the service by Executive order, has a particularly vicious record. There seems to be in the minds of some Members of this House a good deal of confusion on that point. No companies, as companies, were discharged. Men were discharged out of three companies, and it so happens that most of the men out of three companies were discharged. The units

established by law, the company and the regiment, were not disturbed.

To resume:

While stationed at Fort Meade, Dak., in the summer, 1885, Corporal Hallon of that regiment murdered a citizen. The people of the community lynched the murderer. It is worth noting that even as far north as Dakota an outraged public does not always, as it certainly should, await the slow formalities of the law to punish the crime of assassination. About three weeks after the lynching of the murderer fifteen or twenty negro soldiers raided and "shot up" the town of Sturgis, which is only a mile and a half from the post, at about 1 o'clock in the morning. They fired into dwellings and business houses and killed one man. According to the testimony taken by the coroner, the raiding, shooting, and killing was done in a thorough military manner. The murderers marched as an organized body and responded with fatal accuracy to the commands "ready, load, fire, etc."

There are two points in the official account of the Sturgis raid which are particularly well worth consideration. A gentleman who was present immediately wrote an interesting account of it to the President. I will quote one paragraph of his letter:

I happened to be at the fort last Saturday night when this last wholesale shooting took place. I was standing in front of General Sturgis's quarters talking with him. We were about going into the house when Lieutenant Sickles approached with a sergeant, and told the general that he had seen some fifteen or twenty colored soldiers going toward Sturgis with their guns. General Sturgis immediately ordered Lieutenant Sickles to take a detachment of his men and go at once and bring them back. A few minutes afterwards another lieutenant came to the house and said he heard firing from the direction of Sturgis, but he thought it was at the "Half-Way House."

Perhaps I should have stated, Mr. Chairman, that Fort Meade, where the troops were stationed, is a mile and a half from Sturgis.

The general then ordered him to take another detachment and arrest the soldiers.

It is well worth while keeping in mind the fact that all this was prior to the commitment of any crime beyond the slight breach of discipline in going out of barracks without orders. It was in anticipation of what really happened that the general acted. The letter, written on the spot at once, goes on to say:

In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into Abe Hill's house and killed an inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and had gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for.

Again I ask that it be observed, Mr. Chairman, that the general commanding and other officers were advised of this raid before any harm was done; that immediate and active steps were taken to prevent mischief; yet, and notwithstanding, fifteen or twenty soldiers did travel 1½ miles to the town of Sturgis, raid it in military form, fire their guns in a military way, kill a citizen, and travel the same distance back to the post and escape identification. And yet there are eminent gentlemen who say that it was impossible for men out of the three companies at Brownsville to go two squares and back without detection when the officers were not forewarned. The other point that particularly merits attention is the fact that no negro who had knowledge of the identity of the raiders and murderers would tell what he knew. Moreover, I may say to gentlemen on the other side of the aisle, the conspiracy of silence is a habit in the Twenty-fifth Infantry and a well-known characteristic of the race.

AT WINNEMUCCA.

Winnemucca, Nev., is the next scene of a criminal outbreak by this regiment. In June, 1899, while on the way to the Philippines, a train load of the men of the Twenty-fifth was halted at Winnemucca for supper. As soon as the station was reached the officers went to the hotel for supper, and the men, who were under no restraint whatever, according to the judge-advocate, Major Groesbeck, scattered through the town. They invaded a saloon in large numbers and soon became boisterous and took possession of the bar. They seized and took away the liquors and shot and wounded the barkeeper. All efforts to identify the perpetrators of the outrage were futile. No negro would tell, and so the guilty, aided again by the conspiracy of silence, escaped detection and punishment.

THE SAN CARLOS AFFAIR.

In October, 1899, at the San Carlos Indian Agency, Ariz., twelve or fifteen men of the company of the Twenty-fifth Infantry then stationed there made a murderous attack upon four peaceful Indians, beating them to insensibility with clubs. In this instance four of the would-be murderers turned states evidence, and I presume the others were punished. General Merriam, who commanded the department at the time, advised the removal of the negro soldiers and expressed the opinion that "white men would likely make less trouble."

I regret, Mr. Chairman, that General Merriam failed to say why white men would be apt to make less trouble, but that he did say so and that he must have had an excellent military reason for it is beyond all doubt. I commend his suggestion to the Members of this House and ask them to consider why the recommendation made by the commanding officer at the time that the guard was sent to replace those who had been mutinous, boisterous, and murderous should be for white men.

AT EL PASO.

Apparently when the War Department has been in doubt as to where negro troops are to be stationed they are sent to Texas, and so, after the murderous assault on the Indians made it necessary to remove them from the San Carlos Agency, Company C, of the Twenty-fifth Infantry, was sent to El Paso. I dare say there was no other place they could be sent without meeting with a protest, for no place, North or South, seems to want them. As bearing on this point, I ask attention to a letter written to Senator CULBERSON on the 4th day of June, two months and nine days before the trouble at Brownsville, in which Secretary Taft said:

The fact is that a certain amount of race prejudice between white and black seems to have become almost universal throughout the country, and no matter where colored troops are sent there are always some who make objections to their coming.

Mr. Chairman, I would that I had the privilege of taking this House into my confidence and telling them some stories about the stationing of these colored troops which I have received from such sources and from gentlemen whose identity I can not reveal. Suffice it to say, however, that the most vehement protest against the stationing of these colored troops in the vicinity of the communities represented by the spokesmen in protest have been received from the North, and very far North at that—a large part of it.

However, they were sent to El Paso in 1899 and took station at Fort Bliss. They arrived at El Paso about the middle of November, 1899, and in just three months their deviltry began. A number of men out of Company A "took rifles from the arms racks and went to the city jail of El Paso, where two soldiers were held for trial by the city authorities on charge of drunk and disorderly, fired into the city jail, killing one policeman on duty there." I quote this from the language of Captain Loughborough, who reported the affair to the Adjutant-General of the Department of Texas. The well-attested facts in this case are these: On the night of February 16 Corporal Dyson, of Company A, Twenty-fifth Infantry, was arrested for being drunk and disorderly and confined in the city lockup. Sergt. John Kipper and two privates went to the jail and endeavored to secure Dyson's release by offering to give a bond for his appearance, but was informed that the only officer who had authority to release Dyson had gone home and would not return until morning.

Kipper and the others then went away, but returned to the jail at 5 o'clock in the morning with guns and axes and undertook to release their comrade by force. In the resulting mêlée Policeman Newton Stewart was killed, as was one of the soldiers. Eight Army rifles, it developed, had been taken from the gun racks, and six of them were ultimately recovered. The guilty men were arrested, with the exception of one who deserted and ran away from the country. One noncommissioned officer, Corporal Powell, confessed. It is a pleasure to say that to Captain Loughborough, a zealous and capable officer, is very largely due the credit of securing the evidence which convicted the murderers. Sergeant Kipper, one of the noncommissioned officers in whom some people place so much confidence, was tried and convicted, and, on appeal, the conviction was affirmed. The report of Gen. Cyrus A. Roberts, then lieutenant-colonel of the Thirteenth Infantry, and acting adjutant-general, Department of Texas, who examined into the circumstances, is an interesting review of the situation and of the incidents leading up to the crime. While he does not say in the same direct, blunt way that Major Blocksom did when he reported on the Brownsville affair that "the causes of the disturbance are racial," it means the same thing.

To some extent I am trying to follow these reports on the misdeeds of the Twenty-fifth Infantry in chronological order, and the next on the list is the occurrence at Fort Niobrara, Nebr. I shall not weary the House with a repetition of the details.

Mr. STEPHENS of Texas. If my colleague will permit me, I desire to state that at the time of the incident at El Paso it

was a part of the district I then represented, and I am well acquainted with the circumstances that occurred there. This man who was killed was an ex-soldier of the Spanish war. His name was Stewart. He was the only support of his father and mother, who were very old and poor and were dependent upon him. He was at the time of the incident a jail guard. When these parties were arrested and put in jail, this young man was on guard and was killed. I tried to get them a house built, and endeavored to secure a pension for these old people, but failed, as the bill was turned down by the committee, and I am unable to state their condition at the present time; but it certainly was horrible.

Mr. SLAYDEN. I think that the committee, under the circumstances, might have departed from its rule and granted a pension to these unfortunate people, who had been deprived of their support by soldiers of the country.

Suffice it to say that it has been described by C. H. Cornell, chairman of the Republican Congressional committee of the Sixth Nebraska district, as a "wanton and cold-blooded murder," committed by soldiers of the Twenty-fifth Infantry with Krag-Jörgensen guns. In commenting a few days ago on the outbreak at Brownsville, Mr. Cornell says of the Niobrara incident:

> Although the murdered one was of their own color and without character, the act was no less a crime than the like one which followed it in Brownsville, and only emphasizes the necessity of some form of salutary punishment. While the soldiers might justify silence in the latter case on account of fear lest a fair trial could not be had in Texas, no such excuse could prevail here, since the murdered one was not a citizen of this community, but a woman of their own race in whom no one would have any special interest, and the trial could have been purely on its merits without prejudice against the prisoners. Yet those who possessed the necessary information were as silent in the former as in the latter instance.

I want to assure Mr. Cornell that there was no more need for the conspiracy of silence at Brownsville, Tex., than at Valentine, Nebr. He should not forget that Sergeant Kipper, who murdered an officer of the city of El Paso, had a fair trial and was convicted on the testimony of his fellow-criminals.

For a few minutes, Mr. Chairman, I will leave the history of the Twenty-fifth Infantry—that regiment which so richly deserves the title of "Bloody Twenty-fifth"—and ask your attention to the conduct of other colored organizations in the Army.

AT SUGGS, WYO.

In June, 1892, Suggs, Wyo., was the scene of disorders, and some of the men of the Ninth Cavalry (colored) were the evildoers. Maj. C. S. Ilsley, of the Ninth Cavalry, said that the trouble was due to quarrels about lewd women, but he says there was a bitter feeling between the citizens of Suggs and the troopers on account of the color of the soldiers.

Twenty of the troopers, armed with carbines and revolvers, raided the town and fired "volley after volley," according to Major Guilfoyle, into the houses of the citizens. Major Guilfoyle says, in his report to the camp adjutant, that "the feeling against the troops has been and is very bitter, being perhaps intensified by race prejudice." The soldiers acted in military concert in this as in other cases.

AT HUNTSVILLE, ALA.

The members of the Tenth Cavalry (colored), at Huntsville, Ala., in October, 1898, made an attack on the provost guard in an effort to release one of their comrades who was under arrest for the use of vile and abusive language. Maj. E. D. Thomas said of it:

> This unprovoked assault and mutinous interference with the provost guard caused the shedding of innocent blood, bad feeling between organizations, and endangered the lives of peaceable citizens, terrorized the community in the vicinity of the railroad depot, and scandalized and disgraced the military service, which calls for the severest condemnation.

He also said:

> It is impossible for me to give the names of the ringleaders. This could not be ascertained by any known means. The people connected with the colored organization throughout this investigation have studiously avoided stating or giving names of principal instigators of the riot, in my opinion trying to shield the organization from censure and endeavoring to shift the responsibility and blame for this disgraceful affray on other and innocent parties.

Here it will be observed, Mr. Chairman, as elsewhere, there was a conspiracy of silence on the part of the black troops.

THE AFFAIR AT FORT CONCHO.

In 1881 men from the Sixteenth Infantry and Tenth Cavalry, stationed at Fort Concho, in Texas, numbering about 150, raided and "shot up" the town of San Angelo, a mile or two distant. General Grierson, who commanded at the post, said that he had reason to believe that three noncommissioned officers and two privates were the leading spirits.

This again helps to destroy faith in the suggestion that the noncommissioned officers of these negro regiments can be relied on to keep their men in order and restrain them from the perpetration of crime. Residents of the city of San Angelo have lately written me that hundreds of shots were fired into buildings occupied by citizens of both sexes and all ages. Fortunately only one person was wounded. These negro soldiers arrested the sheriff of the county and demanded that a prisoner held by him on the charge of murder be turned over to them, manifestly with the idea of lynching him.

They defied and held in contempt the civil authorities.

AT SAN ANTONIO.

On the 9th of April, 1867, as the records of the War Department will show, Company E, of the Ninth United States Cavalry, colored, while stationed at San Antonio, Tex., was guilty of mutiny. The first sergeant at the head of his company attacked and killed Lieutenant Griffin and seriously wounded Lieutenants Heyl and Smith.

KEY WEST INCIDENT.

However, the Twenty-fifth Infantry has been conspicuous, even among the negro troops, for its persistent career of crime and mutiny. In 1898, while on the way to Cuba, the regiment was delayed a few days in Key West. What they did there to maintain their record of insurrection and contempt for law is told in the following language by the sheriff of Monroe County. Please observe that the statement is sworn to. I have a letter from an attorney of Key West, who was then police judge, which confirms the statement of the sheriff and which also says that a drunken soldier, whom he was arresting, fired his pistol at the officer.

STATE OF FLORIDA, *Monroe County:*

Before the undersigned authority personally appeared Frank W. Knight, who, being duly sworn, says: That I was sheriff of Monroe County, Fla., in May, 1898, and that the Twenty-fifth United States Infantry (colored) was at that time in the city of Key West awaiting orders for Cuba. That on the 20th day of April, anno Domini 1898, at about 10 p. m. of the same day, one Henry A. Williams (colored) and one of the men belonging to the Twenty-fifth United States Infantry was brought to jail by the city police, charged with an assault with intent to kill; that at about 1 a. m. next morning at least thirty or forty of the soldiers belonging to said Twenty-fifth United States Infantry, armed with their guns, came to the jail and surrounded the jail, and came to the door of said jail and demanded the said Williams, saying that if he was not delivered to them they would break the jail down. I being overpowered and no arms to defend myself and the rest of the prisoners in jail and fearing trouble might come to all in jail, thought it best to deliver said prisoner to them, intending to report the matter to the commanding officer at the barracks the next morning. Deponent further says that another reason why he delivered the prisoner over to them was because he had other prisoners in jail charged with murder, and he feared that if he did not turn over this man they would carry their threats into execution, and he would then lose those who he had confined for murder. That the conduct of these men was boisterous, and they were crying out all the time that if I did not turn this man over they would riddle me with bullets and that there would not be a brick left in the building.

Sworn to and subscribed before me this the 27th day of December, A. D. 1906.

F. W. KNIGHT,
Sheriff Monroe County, Fla.

L. W. BETHEL,
Notary Public, State of Florida at Large.

BROWNSVILLE.

And now, Mr. Chairman, I shall say a few words about the latest outbreak of negro soldiers—that of Brownsville on the night of the 13th of August, 1906.

The main facts in this case are too well known to require restatement. I merely want to comment on some of the pleas put forward for the defense. The theory advanced by some eminent gentlemen about the murder of Frank Natus and the wounding of Policeman Dominguez is so preposterous that citizens of Brownsville, when advised that it would be made, refused to believe it. The Secretary of War well says:

> The suggestion that a body of men sharing the hostility of the people of the town should dress themselves in the cast-off clothing of the colored soldiers; should visit the army target range some 15 or 20 miles from the post for the purpose of obtaining used cartridge shells and clips, and then go through the town firing from 100 to 150 shots into houses where women and children were likely to be killed; should actually kill one man and attack the police of the town and nearly kill its lieutenant, and should then sprinkle the cartridge shells and clips on the streets of the town, all merely for the purpose of making a case of murder and riot against the colored troops and of thus securing their removal in the interest of the townspeople whose lives had been thus taken or endangered, is so grotesque in its improbability and absurdity as hardly to call for discussion or comment.

In reply to those gentlemen who say that the soldiers could not have left their barracks, made the raid through the streets of Brownsville, fired into the Miller Hotel and other buildings, killed Frank Natus and wounded Dominguez, and then have returned to the post in the time claimed and without detection, I direct their attention to what men of the same regiment did at Sturgis, in Dakota. In that case they went 1½ miles from Fort Meade to the town of Sturgis, "shot up" the town, and killed one man, and got back to their post without being identified. Thus, it will be observed, they must have traveled approximately 3 miles.

At Brownsville the post is separated from the town by only a stone wall, and the entire raid did not cover over 750 yards. At Fort Meade the commanding officer and his subordinates were advised of the raid as soon as it was undertaken, and General Sturgis, in the language of an eyewitness, "immediately ordered Lieutenant Sickles to take a detachment of his men and go at once and bring them—the raiders—back."

At Brownsville the commanding officer, Major Penrose, knew nothing of the raid until it was over, and refused to believe that his men were in it until convinced by evidence of their guilt.

General Sturgis, commanding at Fort Meade, at once ordered Captain Ord to make a check roll call, examine the arms and bring in all that had the appearance of being recently fired. Major Penrose, I believe, did order a roll call, but the arms were not inspected until the next morning, and when inspected were, of course, found to be bright and clean. To pull a small piece of cloth through a gun barrel is the work of a second, and so far as evidence in this case goes the inspection might as well have been delayed a week.

THE MOTIVE.

I fancy very few crimes are committed without the criminal having some reason for his acts—either revenge or gain. In this case it is not difficult to find the causes—at least some of the minor causes. In his telegram of the 20th to the Military Secretary, Major Blocksom mentions what he thinks are the causes. The first he names is racial hostility. Then he mentions the fact that the soldiers were made to drink at separate bars, and personal encounters between soldiers and citizens as other reasons. He might have stopped with the first reason given, for it embraces the second and is the explanation of the others. The soldiers had been advised that the people of Brownsville did not want them there, and they arrived in an ugly mood. I have letters stating that on the way down they asked the conductor of the Brownsville train if there were white women in the town whose favor they might expect. They were insolent in their bearing with citizens and particularly rude toward women.

Fortunately for the citizens of Brownsville, whose politics might be thought by some gentlemen to have caused the trouble, in the only two occasions on which soldiers were personally assaulted the rows were with Federal officeholders who are Republicans.

Fred Tate, inspector of customs, in his report to the collector, says that a negro soldier pushed and elbowed his way through a crowd of ladies, one of whom was Mrs. Tate, and jostled and rubbed against them in a rude manner. This act of deliberate rudeness provoked the anger of Mr. Tate, who did what most men under the circumstances would have done, and what was perfectly proper for him to do, in knocking the soldier down.

Mounted Inspector Baker, another Republican Federal office holder, tried to prevent a quarrel between two drunken soldiers and a ferryman and to stop a torrent of foul abuse pouring out of the mouths of the soldiers, and in doing so, to use his own language, "pushed one of them forward." The soldier was too drunk to keep his balance on the sidewalk and stepped off into a mudhole. Baker adds, "As the negro walked off he said, 'We will see about this to-morrow.'"

Two soldiers did hunt Baker the next day and, as he believes, for the purpose of making a row, but finding him prepared and evidently willing, they became discreet and left without doing any harm.

On the 12th of August, just twenty-four hours before the assault on the town, Mrs. Evans, a highly respectable woman and wife of a worthy citizen, was seized by the hair and thrown violently to the ground by a soldier in uniform.

These incidents accentuated the feeling of hostility between the soldiers and citizens—a hostility which always and most significantly runs along race lines. They show a state of mind which leads up to and explains the actual assault on the town, and, in my opinion, they clearly show the unwisdom of putting negro soldiers in a station near communities of white people.

It seems too absurd, Mr. Chairman, that at this late day we should be asking who did the shooting. I fail to see how there is room for honest doubt. If the soldiers had been white and the circumstances the same, if the same mass of clear, strong evidence against them had been submitted, and if the President had dismissed them from the service in the same manner, there not only would have been no doubt as to who were the murderers, but the action of the President would have been almost unanimously approved. But, then, the whites are not a valuable political asset handled in bulk, which explains many things.

Does any sane man believe the stupid suggestion that the white citizens of Brownsville, because of their hostility toward black soldiers, fired into their own houses and killed one of their own people, at the same time endangering the lives of their women and children? Such a theory is an insult to the intelligence of the country and seeks to put the people of Brownsville below the beasts of the field. Even the dumb brutes love their young and will protect them. Shots were deliberately fired into a house which only a few minutes before had been the scene of a children's party and which still had a number of occupants. By the merest chance no one was killed, for the shots took effect only 4½ feet above the floor. Surely sectional and political prejudice has gone the limit in this cruel suggestion.

If it is seriously urged, Mr. Chairman, that the people of Brownsville did this shooting, I most solemnly protest against the reflection on their marksmanship. I do not believe that you could find any community in the United States, even that least accustomed to the use of arms, who could not hit the barracks buildings at Fort Brown, at which the people of this Texas town are said to have fired. I know there is no such community in the State of Texas. Had the people of Brownsville been armed with these rifles and doing the shooting on that awful August night the list of casualties would have been longer and the dead and wounded would not all have come from one side. [Applause.]

A few days ago I read in the Washington Herald a statement made by a retired officer of the British army who, although he spoke guardedly, as becomes a visitor to the country, did not conceal his surprise at the fact that black soldiers are kept in our Army for service in times of peace. He said that Great Britain, even under the stress of war and in the face of repeated disasters, did not employ them against the Boers in South Africa. He assigned as a reason for the British policy the admitted prejudice, mutually entertained, of the races. I mention this, Mr. Chairman, to show that the people of the United States are not peculiar in this respect. I say the people of the United States, instead of the people of the South, because of comparatively recent events which show that this prejudice does not stop at Mason and Dixon's line. Lynchings are a disgrace, I admit, and they should be made impossible by the enactment of such intelligent laws and by such prompt and rigid enforcement of them that no man's thoughts would ever turn in that direction for the punishment of crime. But they are not peculiar to the South. They are only more frequent there because of multiplied instances of crime of a frightful sort. Even Springfield, Ohio, if the press and that entertaining essayist, Ray Stannard Baker, tell the truth, has on occasions resorted to lynching. And strangely enough the mob spirit was largely directed by race prejudice. The lynching of a negro criminal at Springfield in March, 1904, was followed by a very carnival of crime directed at the black inhabitants of that city. Not only was there evidence of prejudice against the particular criminals, but it seemed to have been directed against the whole negro race. They were hunted out of their homes and their property destroyed by fire. Mr. Baker describes the situation in this way:

> The public was apathetic. No one seemed to care; only a nigger had been hanged.

Danville, Ill., was also the scene of a manifestation of race prejudice, which the writer says is growing with the growth of the negro population. It would not be difficult to multiply these illustrations of the fact that the race prejudice which exists in the South, and which we admit, is also to be found in the North, but usually denied. The newspapers give us overwhelming evidence of it every day.

As I have already said, I fear that we have not yet reached the stage where we will legislate on this matter intelligently and for conditions as we find them. But we will reach it by and by.

After a few incidents like those at Fort Meade, San Carlos, El Paso, and Brownsville Congress will be really aroused to a discharge of its duty in this matter. Repeat the Brownsville affair with a change of locus—let it occur in Michigan, New York, or Illinois—and a new light will be seen. Until then we will be as patient as possible, having faith that finally the sympathy of the whole country will be given to that section which has been so tried in the school of disaster, a section which stands face to face with the perplexities and dangers of the most difficult question any people on earth were ever called on to meet and solve. When all the States comprehend this question, which now they barely apprehend, they will help us of the South to make it certain that the homes of white men in a white man's country will be protected by white men only. [Loud applause.]

Mr. HAY. I yield one hour to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Mr. Chairman, on the 28th day of April, 1904, by virtue of an act of Congress there was appointed a commission, composed of five Members of the House of Representatives and five members of the Senate, since known as the Merchant Marine Commission, whose duty it was made to inquire into and make investigation of the conditions affecting the American merchant marine, the cause of its decay, and the best means to promote its growth and restoration, and to make report to the Congress of the result of such inquiry, together with such suggestions and recommendations by bill or otherwise as might in its judgment seem best calculated to accomplish the objects contemplated. Pursuant to this authority, the members of the Commission met, organized, and entered upon the discharge of their duties. It proceeded at once to hold meetings, grant hearings, and take testimony at various points throughout the country. It held its first meeting and public session at New York in the early spring of that year, closing at Washington in December, 1904. At each of these meetings public hearings were had and every interest is supposed to have had opportunity to fully present its views.

The testimony taken by this Commission is very extensive and covers many pages of printed matter embraced in the published reports of its proceedings. As a result of its work and labor we have now pending before the Congress and the country Senate bill 529, reported from the Senate Committee on Commerce by Senator GALLINGER. It passed the Senate February 14, 1906, and is now pending before the Committee on Merchant Marine and Fisheries of this House. This bill, though comparatively short, containing only ten sections, embodies provisions which, in my judgment, proposes to establish a scheme that is vicious, undemocratic, and plutocratic. It proposes a policy at variance with fundamental principles and the theory and teachings of the founders of our Government. From the earliest colonial times down to the very inception of our Government it was the policy of Great Britain, not only with her American colonies, but her other dependencies, to keep them in subjection and under tribute; and the most effective means by which she accomplished this was her system of trade and navigation laws. One of the maxims of England was, "Give us control of the trade and transportation of the seas" and we will rule the world.

The idea of commerce as a means of national wealth and independence was most thoroughly understood and developed as part of the policy of that country. It was the one subject to which she had given exhaustive study, and her statesmen were ever preoccupied with the question how best to promote and secure it. Naturally, the colonists, at that time confined to a comparatively small area of our country along the Atlantic seaboard, and mainly to the pursuit of agriculture as their principal means of securing a living, turned their early attention to the sea and to the more lucrative occupation of trade and commerce. They early began to embark in ventures upon the high seas, not only as a means of transporting their own surplus products to the markets of the mother country, but to such other foreign ports and markets as would afford them the best returns.

England, with that sagacity, foresight, and jealous concern with which she has ever regarded rival interests and competition, immediately resorted to measures of repression. She enacted laws forbidding her colonies to manufacture, to carry cargoes to other than British markets, and in such small craft or sloops as to be unprofitable. She thus exploited and preyed upon the American colonies and rendered them helpless and dependent. She not only did this to maintain and perpetuate her own predominance upon the ocean, but she employed Tory merchants, agents, and factors and stationed them in the colonies to control and direct their cargoes of freight shipped to British markets on board of British vessels.

This harsh and grinding process was carried to such an extent by Great Britain with her American colonies that finally the export freight rates on such articles as tobacco, lumber, and other bulky merchandise equaled from one-third to one-half of the value of the goods and the import rates to from 15 to 30 and 40 per cent of their cost. It was clear that this state of things could not always continue, and demonstrated that if the colonies should ever become independent, free, and prosperous as a people they would be compelled to sever their relations with the mother country. With the revolution came the independence of the people of the colonies and the establishment of an independent government. Under the form of government existing at the time of the adoption of the Constitution each State possessed the sovereign power to exercise many functions of government that they subsequently surrendered up when the Constitution was adopted, and among these powers were included the right to regulate commerce with foreign nations and between the several States. Up to this time each State for itself adopted such measures of protection to its trade and commerce as its wisdom and judgment suggested was best suited to its needs and situation. Experience under this system soon revealed its imperfection and weakness, and clearly demonstrated the incapacity of the several States to cope with the powers of other governments to make and enforce their laws. It further resulted in creating a different system of regulation in the several States and in many instances of irreconcilable conflicts.

To meet this situation the Confederate Congress asked the several States to surrender over to the General Government the power to enact and enforce regulations of commerce, in the interests and for the protection of the shipping of all the States against impositions and arbitrary exactions of foreign nations. This authority was declined by the States, and each of them continued to act for themselves, and enacted discriminating duties, both of tonnage and of tariff in their efforts to protect their shipping. As stated, in the course of a short time there was a multiplicity of "navigation laws," all designed to protect against foreign shipping, but acting as well against the vessels of the several States, thus showing the necessity of concentrating the power of regulating commerce not only with "foreign nations," but as well among the several States in some department of the Federal Government. This attempt of the several States by the enactment of separate navigation laws to protect their own vessels and commerce, an interest common to all the States, was not only wholly inadequate to the purpose, but furnished the most conclusive illustration of the need of a national law upon the subject. Hence the protection of our commerce and shipping became a problem of vital concern in the movement to form a more "perfect union," which followed the founding of the Federal Government.

Up to this time, it will be observed, in tracing the history of legislation upon the subject of the regulation of shipping and commerce, either by England with her colonies or by the States for themselves, it embraced a series of enactments defining the terms, conditions, and circumstances under which the vessels of a foreign country might enter and clear port. These laws consisted of provisions imposing prohibitions and discriminating tariff and tonnage duties. This was the system of regulation in vogue prior to and at the time the Constitution was formulated and adopted and at the time it was proposed to incorporate into that instrument the only provision that is claimed to confer upon Congress the power to regulate commerce, namely, clause 3 of section 8 of Article I of the Constitution. To understand more clearly what was meant by the framers of the Constitution by the insertion of this clause it is both edifying and instructive to revert to the discussion of the eminent statesman who participated in the debates of the Constitutional Convention, and especially of this particular clause and section as it was first proposed and finally adopted. In the plan of the Constitution reported to the convention by the committee appointed therefor August 6, 1787, section 2 of Article VII—the second of "enumerated powers" to be granted to Congress—provided for the "regulation of commerce with foreign nations and between the States." This meant the taking over of the method of the States as to foreign nations, no other course appearing practicable. South Carolina and Georgia desiring for a time the continuance of African migration, their delegates urged that without this stipulation their States would not adopt the Constitution. The Convention was unprepared to adopt the idea, and the matter was referred to a special committee of eleven. General Pinckney contending for the passage of "navigation laws," by a two-thirds vote of each House this, too, was referred to the same committee, Livingston, of New York, chairman. He reported in favor of African migration until A. D. 1800.

In the convention the figure was made 1808. When the report was again taken up Mr. Pinckney moved to postpone it in favor of his proposition—a two-thirds vote on navigation bills. A debate ensued. Mr. Pinckney did not carry his State. Only four States voted to postpone; whereupon the report, which favored a majority vote, was agreed to nem. con.—none dissenting. Extracts from the debate show that General Pinckney said: "He conceived it was the true interest of the Southern States to have no regulation of commerce, and that the power of regulating commerce was a pure concession on their part," but, withal, he thought it proper that "no fetters should be imposed on the power of making regulations." Mr. Clymer, of Pennsylvania, declared: "The Northern and Middle States will be ruined if not enabled to defend themselves against foreign regulations." Mr. Sherman, of Connecticut, observed that "to require more than a majority to decide a question was always embarrassing, as had been experienced in certain cases in Congress." Mr. Gouverneur Morris, of New York, thought the object of the motion "highly injurious." "Preference to Amer-

ican ships will multiply them till they can carry the southern produce cheaper than it is now carried. A marine was essential to security, particularly of the Southern States, and can only be had by a navigation act encouraging American bottoms and seamen." Mr. Williamson, of North Carolina, favored making two-thirds instead of a majority requisite, "as more satisfactory to the southern people."

Mr. Spaight, of Virginia, contended that the "Southern States could at any time save themselves from oppression by building ships for their own use." Mr. Butler, of South Carolina, for good reasons, "would vote against the two-thirds proposition." Colonel Mason, of Virginia, thought, as the Southern States were in the minority of interest, "it would be fair to guard against hasty regulations." Mr. Wilson, of Pennsylvania, remarked: "If every peculiar interest was to be secured, unanimity ought to be required. The majority would be no more governed by interest than the minority." Mr. Madison, of Virginia, entered into a more elaborate exposition of the subject. He contended that:

The disadvantage of the Southern States from a navigation act lay chiefly in a temporary rise of the freight, attended, however, with an increase of southern as well as northern shipping, with the emigration of northern seamen and merchants to the Southern States, and with a removal of the existing injurious retaliations among the States on each other. The power of foreign nations to obstruct our retaliatory measures on them, by a corrupt influence, would also be less if a majority should be made competent, than if two-thirds of each House should be required. * * *

An abuse of the power would be qualified with all these good effects. But he thought an abuse was rendered improbable by the provision of two branches; by the independence of the Senate; by the negative of the President; by the interest of Connecticut and New Jersey, which were agricultural, not commercial, States; by the interior interest, which was also agricultural in the most commercial States; by the accession of Western States, which would be altogether agricultural. He added that the Southern States would derive an essential advantage in the general security afforded by the increase of our maritime strength. He stated the vulnerable situation of them all and of Virginia in particular. The increase of the coasting trade and seamen would be favorable to the Southern States by increasing the consumption of their produce. If the wealth of Eastern States should in a still greater proportion be augmented, that wealth would contribute the more to the public wants and be otherwise a national benefit.

Mr. Rutledge, of South Carolina, opposed the motion of his colleague. "It did not follow," said he, "from a grant of the power to regulate trade that it would be abused. At the worst a navigation act could bear hard a little while only on the Southern States. As we are laying the foundation for a great empire, we ought to take a permanent view of the subject and not look at the present moment only." He reminded the House of the necessity of securing the West India trade to this country. That was the great object, and a navigation act was necessary for obtaining it.

Mr. Chairman, these were in brief some of the views expressed by the statesmen and founders of the Constitution in the discussions preceding its final adoption. In view of these opinions held and expressed at the very time clause 3 of section 8 of the Constitution was incorporated therein, granting power to Congress to regulate commerce with foreign nations and among the several States, etc., by the mentors of our Government, there would seem to be no reasonable doubt of the meaning they meant to attach to this clause, and that they thereby intended to confer upon Congress the same powers theretofore exercised by the several States. Having arranged this grant, the several States were divested of all powers to thereafter lay or levy duties of tonnage or tariff for this same purpose. This power was surrendered and given up by the States, and taken over by the Federal Government, and the obligation and duty of shipping protection and the regulation of commerce was assumed by the national authority. The whole matter was arranged by the convention, and this action of the convention was afterwards ratified and approved by the States and the people, through the adoption of the Constitution. By this action of the States and people the States parted with this incidental prerogative of their power as separate States, and the United States, in virtue of the compact of union, assumed, promised, and undertook the performance of this duty.

Indeed, the Federal Constitution has been styled by some as a compact between the States by which it was ratified. But however this may be, there is no diversity of opinion that the confederation which the Union supplanted was a compact between the States of which it was composed. That each grant of power contained in the Constitution was pro tanto a compact, trust, and promise to be relied upon while that instrument remained unchanged in the manner pointed out and prescribed by its own provisions. If, then, we are right in our contention that the true intent and meaning of this clause of the Constitution, vesting Congress with the sole and exclusive power to regulate commerce, contemplates the exercise of such powers only and in such manner as were previously exercised by the several States, namely, by navigation laws, imposing discriminating tariff and tonnage duties, and prohibitions, the idea of subventions and gratuities could not have been and was not entertained as a constitutional scheme to carry out the object and purpose had in view by the framers of that instrument, and hence must necessarily be in violation of the Constitution. For years, indeed for more than thirty-nine years, after the policy of our Government was entered upon, by enacting wise and prudent legislation for ship protection by means of tariff and tonnage duties, all went well, and our merchant marine forged to the front and became a sea power and dominating factor in our carrying trade that astonished the whole world. James Madison, to whom history accords the honor of being the "father of the Constitution," being at the time an honored Member and distinguished leader of the House of Representatives, always clear as he was able, offered the first measure for ship encouragement and protection—*a heavy discriminating tonnage duty*, calculated to favor the upbuilding of *an American marine*.

The very first revenue act contained tariff discriminations in aid of tonnage duties, and thus a complete and perfect protective system was evolved in the course of time that illustrated in its beneficent results the wisdom of the work of the Constitutional Convention. This system, the system as understood by those whose statesmanship and foresight had done so much to create, to be the only one contemplated by the Constitution, had by the close of Washington's Administration raised the percentage of carriage in our own commerce from less than 25 per cent to over 90. Our rapid advance and marvelous strides in the development of our merchant marine and carrying trade under the operation of these successful navigation laws were a source of national pride and profound satisfaction to the whole country. All foreign and competing nations were vitally affected by this policy of ours in favor of American shipowners and American commerce, and foreign vessels and foreign tonnage rapidly disappeared from our ports. We continued to maintain our national supremacy and prestige upon the high seas while this policy was continued and as long as we adhered to this early and approved practice of the Government. Then, as now, in order to regain some portion of the lost trade she had sustained, Great Britain resorted to retaliatory measures and, with a view of forcing us to more liberal concessions, closed the ports of her colonial possessions to our ships and imposed other harsh and burdensome restrictions upon our commerce in her home ports. In return our Government closed all ports to vessels coming from ports or places not equally open to vessels of the United States. By this latter regulation Congress intended to compel or induce England to respect our commercial rights—that if they received our products they should allow our vessels to transport them.

But a little later on, and to meet conditions that had arisen in our commercial relations with some other countries, as well as Great Britain—and this was at the time, no doubt, done under the impression that it would operate in the interest of our trade and commerce—Congress was induced, through the urgent insistence of President John Quincy Adams, to enact the law of 1828. This law in a general way proposed a general policy of reciprocity to any country that would accept the principle of an open trade for vessels and cargoes from all parts of the world. It was a substantial offer to all nations to abolish ship protection, and was then and since regarded by many as a most unfortunate calamity to the American merchant marine. It is said that President Adams fondly cherished the idea that Great Britain would gladly accept the proposition, and he would go down in history as a masterly statesman. Great Britain did not at the time, however, accept the terms of this law. This was followed by the act of 1849, and still later by the act of 1886. Under these several acts some thirty other countries entered into reciprocal agreements with us, and from that unfortunate hour our commerce began to dwindle and decay. This change in policy and its consequential effects is shown by the following figures, viz:

1827, import carriage, 94.3; export carriage, 87.5; 1849, import carriage, 81.4; export carriage, 68.9.

Subsequent laws have been enacted which have still further embarrassed our merchant marine, such, for instance, as those forbidding registration to any vessel not American built. Our restrictive legislation unfavorable to the building up of our merchant fleets and the abolishment of our system of discriminating duties in our navigation laws for their protection

have substantially destroyed the merchant marine and closed the ports of the world to our flag. And now, after these years of decay and national humiliation, the party in power propose to abandon constitutional principles, solemn compacts, old and successful precedents and adopt as the only remedy for our shipping malady the un-American and undemocratic proposition of subsidy and graft set out in this Senate bill. The title of the bill, as is not infrequently the case with proposed measures of legislation that can not afford to sail under their true colors, is falsely labeled "An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce." Its authors and promoters are entitled to credit at least for their ingenuity in masking this scheme under an attractive and captivating title, but I imagine, sir, the misnomer is a disguise altogether too transparent and obvious to either mislead or deceive. The policy here proposed can not be justified or excused upon the ground, as has sometimes been stated and urged, that our maritime reciprocity conventions, heretofore entered into with various countries, prevent us from returning to the former system of discriminating tariff and tonnage duties, for our treaties contain provisions for terminating these, upon a year's notice by either party, even if any nation with whom we have such treaty stipulations—and we have none with Great Britain—was insisting upon us continuing such "reciprocity" system for its benefit.

But the truth is—and it is a well-known fact—that for years these reciprocal stipulations in our treaties, for the most part at least, have long since been abandoned or violated and set aside by the action of foreign powers, and the United States is the only party that has or does make any pretense to observe and respect them. No, sir; the only reason for wanting this bill passed, for wanting this vicious, selfish, paternal policy entered upon, is private greed, not the public good; selfish considerations, not the general welfare; reward to individual and corporate favorites, not to promote and develop our ships of commerce, cheapen freights, or otherwise benefit the great masses.

Mr. HINSHAW. Will the gentleman yield for an interruption?

Mr. ZENOR. Yes.

Mr. HINSHAW. Has the gentleman examined the treaties between this and other countries to know whether the proposition of discriminating tonnage duties would in any manner conflict with existing treaties?

Mr. ZENOR. I have examined them to some extent. I have not examined them exhaustively.

Mr. HINSHAW. What is the gentleman's opinion on that proposition?

Mr. ZENOR. There are some of the existing treaties which unquestionably forbid a return to discriminating duties, but the proposition is not that the treaties as they now stand would permit us to return to this policy of the Government, but that in each of the treaties we reserve the right to terminate it by giving notice of a certain length of time.

Mr. HINSHAW. Your proposition, then, would be to terminate the existing treaties so far as they would infringe the right to assess discriminating duties?

Mr. ZENOR. Precisely; and I contend further, Mr. Chairman, that under many of these treaties to-day, to which the gentleman has called my attention, because of the neglect and absolute violation of certain of their provisions in the legislation of some of those countries, the treaties are really set aside and abrogated.

The policy inaugurated by the suspension of our "navigation laws" was at best merely experimental. It was not intended by Congress to sacrifice our marine, reduce our carriage, or in any manner to impair our efficiency upon the seas, though grave apprehensions were felt by many at the time that this might follow the result of the experiment. It was even contended at the time by some that "free trade" would secure a larger share of the carrying trade, but if the policy should prove otherwise our treaty conventions could be terminated and we could retrace our steps and return to our former policy of protection under navigation laws and regulations, by giving the proper notice, after a satisfactory trial. Some of the European nations, thinking, perhaps, they had crippled their shipping interests by these commercial treaties and engagements entered into with the United States, sought to countervail the mistake by instituting bounty and subsidy systems in contravention of the spirit, if not the letter of these conventions, and it is now proposed by the proposed bill to imitate their vicious example and make the taxpayers of the United States put up the cash to rehabilitate the merchant marine and to support and maintain it out of the Government Treasury. Mr. Chairman, in addition to the fact that no warrant for such a course can be found in the Constitution, precedents, or traditions of our country and that we ought and should not seek to justify such a departure in our policy by the example of foreign countries, there is still the more important question of the propriety of selecting out and preferring as an especial object of the bounty of the Government "the shipping trade" to the exclusion of thousands of other equally worthy employments of our people, not one of which have any right whatever to share in such policy or call upon the Treasury for aid and assistance.

Such a bald proposition of class distinction and odious discrimination can not fail, it seems to me, sir, to carry with it its own rebuke and condemnation. The protection, and the only protection to our shipping industry, provided for in the Constitution is to be found in the clause authorizing Congress to regulate commerce, and nowhere else. It is not even pretended to exist under the power to lay duties for revenue. The two things are entirely different and involve the exercise of distinct powers. The people of the United States have the right to demand of the Congress, under the compact entered into, protection to our shipping. But this demand can be complied with only by the performance of its accepted duty, the honoring of its special agreement, the observance of the covenant to enact and enforce suitable and legitimate "navigation laws." This, and this only, is logical and proven by experience to be effectual. In the majority report of the Senate on this bill the report sets out quite a number of resolutions of various boards of trade, chambers of commerce, commercial clubs, and associations of different kinds, quoted as indorsing the passage of this or some substantially similar bill for the upbuilding of the American merchant marine. It will, however, be found upon examining these several resolutions that they are not unanimous in their support of this or any similar measure. They are not all for ship subsidy. For instance, resolutions of the Trans-Mississippi Commercial Congress, held in 1903, cited by the committee, representing twenty-one States and Territories west of the Mississippi, in expressing its sense of the national humiliation at the decadence of our over-sea American merchant marine and its hopes that Congress would enact such laws as would tend to build it up and restore it to its former prestige on the seas, contain no expression of indorsement of this bill. Of the same tenor and to the same effect are the resolutions of the American Cotton Manufacturers' Association, of May 11, 1905; the Board of Trade of the State of Maine, of September 22, 1905; the National Founders' Association, of November 15, 1905; the Trans-Mississippi Commercial Congress, at Portland, Oreg., on August 19, 1905, and others of the number cited, in none of which was there any indorsement of this bill or any other proposing to grant subsidies.

It is true, sir, that in most of these resolutions there is an indorsement of the Senate bill, but as is apparent from all these it was done as the only alternative to secure relief, in view of the conclusions reported by the majority of the Merchant Marine Commission. That Commission, having reported in favor of the plan proposed in this bill, it was accepted as a sort of ultimatum by the friends and advocates of our shipping interests and over-sea transportation. Confronted with this, the only remedy offered by the party in power, it is not at all amazing that some portion of these associated interests, recognizing the pressing importance and urgent need of an improvement in our merchant marine, should yield to a policy, though obnoxious and offensive to their own sense of justice, rather than be denied all hope of relief. Be this as it may, these declarations reflect but a very small per cent of the general sentiment of the country, and as a rule come from sources that will not feel the oppression of the system to the same extent as would be suffered by the great masses, while at the same time they hope to share its greater benefits.

The majority report very truthfully states that there is a national demand for more ships. This means, of course, in its broader sense that our commercial and industrial interests and growing trade throughout the country recognize the necessity of more American ships and cargo carriers to regain our proportion of the carrying trade in the commerce of the world, as well as to keep pace with the rapid expansion of our domestic and foreign commerce. This necessity is conclusively demonstrated by the universally admitted fact that we carry less than 10 per cent of our own export and import trade, while the balance, of over 90 per cent, is carried by foreign ships. All are agreed that this is a most deplorable and humiliating situation—a situation that is no less sincerely deplored by those who shall find themselves compelled to oppose the passage of this bill than by those of its most ardent advocates. The various objects sought to be accomplished, as specified in its title, meet the cordial and earnest approval, I doubt not, of every Member of this House, and would receive their unqualified support

if proposed to be accomplished in some legitimate and acceptable way, at least to the extent that such objects may be attainable by legislation. It is not a question of difference as to the desirability of accomplishing the objects expressed in the title to this bill, but a difference as to the methods to be employed in their attainment. This is the vital point of divergence in the views of those who favor and oppose this measure; and this difference is the difference between the effort now being made through the passage of this bill to donate to certain favored interests moneys levied and collected by the Government for public purposes under its power of taxation, and the Democratic and constitutional method of reviving and restoring in their full force and vigor our navigation laws—our once successful system of ship protection by discriminating tonnage duties and tariff differentials in favor of our merchant marine—under the inspiration of which our merchant ships and cargo bearers triumphed over all obstacles and for years held the primacy in the world's competition in our trans-Atlantic over-sea transportation and trade.

This latter system is the only one that comes within the undoubted power of Congress under the commerce clause of the Constitution, and the only one which Congress has ever attempted to establish and enforce. It is the authority under which Congress has extended to our lake and coastwise trade such effectual and complete protection and made it so marvelously prosperous and profitable. It is beyond all cavil the only method to control and regulate the indirect trade in the commerce of the seas, said to be the most profitable of all ocean traffic. Under this system Congress can prescribe the conditions and terms upon which foreign vessels shall enter and clear our ports; can prescribe the rates of tonnage duties to be paid by all foreign vessels and ships for the privilege and use of our ports and harbors, and may discriminate in the imposition of these rates between different countries as the exigencies of the situation or case may require. In the exercise of this power there is no limit to the discretion of Congress, and it may be employed and used to any extent deemed essential to afford adequate protection to foster, promote, and build up our shipping interests. In aid of the tonnage duties and the protection resulting therefrom, if found essential to accomplish the object, differential tariff duties may be granted in favor of all articles of import brought to our ports in American ships. This policy of discriminating tonnage and tariff duties was the policy pursued which resulted in bringing up our merchant marine to such a high state of efficiency in the past, and there exists no reason now why a return to this tried and tested policy would not again bring similar results. And the beauty about this method of relief, is, that it imposes no additional taxes upon the people and demands no largess from the Public Treasury.

But the signal failure of at least two previous efforts to pass ship-subsidy bills presented to Congress, though supported by the able and powerful advocacy of many of the most influential men in the Republican party, is a confession of the unpopularity of the whole scheme and has compelled the advocates of this species of governmental aid to adopt some method of legislation that would appear to offer some return and consideration to the Government for its generosity. With this idea prominently in view, the framers of this bill have performed a feat for which their names deserve to be canonized by those who believe in the religion of ship or other subsidies, and for which their friends and coworkers may justly thank them. Realizing that any measure that proposes to donate public money to private parties to enable them to conduct their private business is unwarranted by any grant of power that Congress possesses and involves a flagrant abuse of legislative functions, an inexcusable wrong to the taxpayers of the country, and if successful will establish a most vicious precedent for future class legislation, they have with apparently studied effort and commendable zeal sought to realize the advantage of disabusing the public mind of any impression that this bill is to aid any such scheme by eliminating from its title and throughout its text all mention of the word "subsidy," a term so well known and understood when used in connection with legislation of this kind, and the substitution therefor of the less familiar, if not more euphonious word "subvention." Mr. Chairman, it may be a question of speculation whether this change of phraseology employed by the architects of this reformed draft of bill owes its inspiration to the patriotic desire and sense of obligation to conform to the Presidential fad of "simplified spelling" or was really occasioned by their still greater sense of obligation and duty to respond to the distress call of the poor, famishing ship syndicates for public charity.

However this may be, it is nevertheless true that they have performed a most meritorious service in behalf of the special interests of shipowners and shipbuilders if they shall have succeeded in deluding the public mind into the belief that the gift of $5 a ton—provided in the second section of the bill for their benefit—is to make any adequate return to the Government or to the people and taxpayers of the country. I am aware, sir, that it is proposed by the provisions of the third section to impose certain obligations and duties upon the owner or owners of vessels for the performance of which they are required to enter into contracts in writing, with sureties, with the Secretary of Commerce and Labor before they will be entitled to the benefits of the provisions of the law. This, it is claimed, fully justifies the expenditure proposed to be made by way of this "subvention," and will furnish an equivalent to the Government.

Section 2 provides for the character of vessels engaged in our foreign trade or deep-sea fisheries that shall be entitled to receive the benefits of this act and prescribes the terms and conditions upon which such payments shall be made. It provides that after a certain date mentioned there shall be paid, out of the Public Treasury upon estimates to be made and submitted therefor, to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 tons, and any fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States, including as such citizens any corporation created under the laws of the United States or any of the States thereof, engaged exclusively as a common carrier for the service of the public, subventions, namely, the sum of $5 per gross registered ton for each vessel engaged in the trade for a period of twelve months; the sum of $4 per ton for each vessel engaged in the trade for the period of nine months or over, but less than twelve months; the sum of $2.50 per ton for any vessel which, during any twelve months, has been engaged in trade for a period of six months or over, but less than nine months.

It will be observed in reading this section that it confines the benefit of its provisions exclusively to vessels engaged in our foreign trade and the deep-sea fisheries. It has no reference to our lake and coastwise trade nor to vessels engaged in trade between the United States and the Philippines, except a small per cent of the rates prescribed for our foreign trade, until the year 1909, when this shall terminate. As suggested, section 3 requires of each vessel before becoming entitled to share the benefits of the act to enter into agreements to perform certain conditions—six in all. These conditions are of such a nature and character as to make them of small, if any, consideration in determining the merits of the measure. The first requirement for national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair cash value or fair rate of hire, a power the Government already possesses and in suitable emergencies has always exercised. Second. That the vessel shall carry, free of charge, the mails of the United States when the Postmaster-General shall require, a thing not likely to happen with a slow freight or cargo carrier when we now have many high-speed mail lines doing this service. Third. That until July 1, 1912, upon each departure of such vessel from the United States at least one-sixth, and after July 1, 1912, one-fourth, of the crew shall be citizens of the United States, or men who have declared their intention to become such; and of the navigating force on deck, excluding licensed officers, at least one-half shall be able-bodied seamen, who are thereby defined to be men who have had two years or more experience on deck at sea or on the Great Lakes.

Fourth. That vessels in the foreign trade shall be of a certain class and maintained at that, as shown by certain standards of certain associations. * * *

Fifth. That all ordinary repair or overhauling of vessels shall be made in the United States, except in cases where dry docks are necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

Sixth. That a certain proportion of the crews of the vessel shall have been enrolled in the naval service after certain dates, namely, after July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, * * *.

Section 4 has reference merely to the manner and length of time contracts shall be made, as set out in section 3. * * *

Section 5 provides for the authority of the Postmaster-General to make and enter into contracts, for not less than five and not more than ten years in duration, with citizens of the United States for carrying the mails on steamships hereafter built and registered in the United States or now registered, * * * between ports of the United States and ports on the routes and for the amounts prescribed in section 6 of this act. * * *

Section 6 provides that the Postmaster-General shall establish mail service, first, from a port of the Atlantic coast of the

United States to Brazil, on steamships of the United States of not less than 14 knots speed, for a monthly service, at a maximum compensation not exceeding $150,000 a year, or a fortnightly service at a maximum compensation not exceeding $300,000 a year.

Second. From a port on the Atlantic coast of the United States to Uruguay and Argentina, on steamships of the United States of not less than 14 knots speed, for a monthly service at a maximum compensation not exceeding $187,500 a year, or for a fortnightly service at a maximum compensation not exceeding $375,000 a year, and so on in the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh subdivisions of this section, each providing for the establishment of steamship mail service from United States ports on the Atlantic, Pacific, and Gulf coasts to various foreign countries with certain prescribed speed requirements and at a compensation not exceeding a certain maximum. This section proposes the establishment of ten new mail routes to South America, Central America, Cuba, Africa, and Asia, and other southern countries, and authorizes the Postmaster-General to make contracts with shipowners at a maximum expenditure of $2,912,000 annually as extra pay and compensation to the steamship owner or owners with which such contracts shall have been made for the mail service to be rendered by them under the terms of their contracts. This service is to be additional to that required of the vessels sharing in the subventions, under sections two and three of the bill, and the compensation to be paid in addition to that provided for the vessels mentioned and described in said sections. So that the total cost of the proposed scheme of this bill will be the bounties paid out on the gross tonnage of ships and vessels engaged, or to hereafter engage in our foreign trade and deep-sea fisheries, without reference to the amount of freight or cargo they carry, together with the sum estimated to be paid to the new steamship mail lines, plus the sums authorized to be paid to members of the naval reserve, authorized by the first section of the bill.

It is difficult to say just how many of our registered vessels are to-day engaged in our foreign trade, but, excluding steamers drawing subventions for carrying ocean mail, which are barred from the benefits of sections 2 and 3, the number of such vessels of all classes and dimensions that were employed in foreign commerce for more than six months during the calendar year ending December 31, 1904, was 152, as stated in the minority report on this bill, and of these they state fully one-half were sail vessels of comparatively small tonnage. Of the 56 steamships, of which there were 23 on the Atlantic and 33 on the Pacific, there is said to be scarcely one of the type which is sought to be developed by this bill. The eighth section of this bill is designed to exploit an additional source of profit and revenue for the shipping interests, under the guise and pretense of encouraging training and instruction of young boys and young men in seamanship or engineering in our foreign trade, and proposes to pay to any vessel of the United States that may have carried on any foreign voyage a boy or boys, a citizen or citizens of the United States under the age of 21 years, suitably trained during such voyage in seamanship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registered tonnage, an allowance equal to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage, provided, etc., * * * that this shall cease after July 1, 1908, except as to any such boy who may be enrolled as seaman, third class, in the naval reserve or is an apprentice indentured in accordance with law.

Sir, this is but another of those skillful devices with which this whole bill is interwoven, to cloak under cover of some plausible pretense of public benefit an extortion from the public Treasury of additional pelf to the poverty-stricken beneficiaries of this bill. If any possible advantage can accrue to the Government in return for this valuable favor, it is so infinitesimal that it has escaped the detection of its critics and has not been pointed out by its friends. The ninth and tenth sections of the bill are merely formal provisions that do not in any substantial manner affect the merits of the questions, and hence are not important. It is estimated by the Commission that the total expenditures for the first year under the operation of this bill will be $1,283,250; second year, $3,517,000; third year, $5,282,000; fourth year, $5,882,000. The belief is further expressed by the Commission that at the end of five years the increased draft upon the Treasury will be confined to the increase of tonnage of the hard-working cargo ships, and that this increase will probably amount to 150,000 tons annually, and will on the average result in an annual increase of expenditure of about $500,000. This estimate, however, is purely speculative, and must, in the very nature of the case, be so in the absence of data to verify such calculations. But assuming that this is an approximately correct calculation, it would make the expenditure for the sixth year $6,382,000, and each year thereafter add the sum of $500,000 during the continuance of the law. This addition annually of 150,000 tons would only increase our merchant marine by from forty to fifty steamers or sail vessels according to the report, and assuming further, which assumption is not borne out by any facts or estimates contained in the report of either the committee or Commission, that under the practical operation of the bill it would add as many as forty to fifty vessels, aggregating a tonnage of as much as 150,000 for each year of its existence, this would only increase the tonnage of our merchant marine 1,500,000 in the period of the ten years to which the law is limited, and would prove wholly inefficient and inadequate to realize the hopes of its advocates. If our present merchant marine of 900,000 tons is only capable of carrying about 8 per cent of our present foreign trade, this addition of new tonnage of 1,500,000 would increase our carrying capacity to only about 21 per cent of our present volume of trade, and this is not very reassuring to the advocates of this bill, who profess to have confidence in its efficiency to again restore our supremacy in the carrying trade of our foreign commerce.

But it is further claimed that the mail subventions to the ten new regular lines would add from 200,000 to 300,000 tons of high-class steam tonnage to the Naval Reserve. Even admitting this to be true, it does not materially aid our friends who are pressing this bill, as I understand, in the interests of our cargo and freight carriers and to benefit our people in the advantages they are supposed to derive in the saving of freight rates and charges and the economies of increased shipping facilities for their over-sea commerce, and not from any pressing needs in our foreign mail facilities; and this additional tonnage of fast-mail steamers is less important and does not afford the same benefit to our commerce as do the steam and sail vessels, especially adapted to cargo and freight transportation. It may be, and doubtless would be, true, that these mail steamers would carry more or less cargo and would prove valuable adjuncts to our merchant marine, as well as aid to the Navy and Naval Reserve. But, conceding all that can be claimed for them and allowing that they would constitute an efficient part of our merchant marine, this additional tonnage of, say, 300,000 to the merchant tonnage would bring it up to 2,700,000 tons. This amount of tonnage would still be less by 14,269,000 tons than Great Britain possessed in 1904, and less than Germany now has by 693,000 tons, and would, according to the ratio of efficiency of our present merchant ships, have the capacity to carry only about 24 per cent of our foreign commerce. According to the estimate made, it requires about 112,516 tons of our American merchant marine to carry 1 per cent of our foreign over-sea trade, and the 2,700,000 tons, the highest point attainable under the provisions of this bill, according to the most extravagant estimate of its friends, would therefore have a carrying capacity of about $712,800,000 in value of our over-sea trade. If, therefore, the total product of tonnage created by this bill, added to our present 900,000 tons, will have a carrying capacity of only $712,800,000 in value of our trade—just 24 per cent of the total—then it is perfectly apparent that the statement made in the majority report—that this bill will enable the United States to carry under its own flag from 30 to 40 per cent—is not only a gross exaggeration of its potentiality, but wholly misleading and deceptive.

If, sir, this estimate is anything near a correct computation of the benefits to be received under the provisions of the bill as regards our increased carrying capacity of exports and imports, the vital feature of the measure, it falls far short of realizing the claims of its proponents and advocates. They claim, and with apparently much confidence assert, that with this bill enacted into law it would enable the United States to carry under its own flag, not 10 per cent as now, of its own imports and exports, but 30 or 40 per cent, earning for our own country, instead of $20,000,000, from $60,000,000 to $80,000,000 a year in freight and passenger receipts. And it is this phase of the argument that most strongly appeals to popular favor. If, then, it is capable of demonstration that this assurance can not be realized, and that these predictions in behalf of the measure are not well founded; if it is once made manifest that, however candid the arguments advanced, they stand unsupported and lack the confirmation of facts, reason, or precedents to sustain them, as we think we have shown they do, then I take it that the position of the friends of this bill is greatly weakened if not entirely destroyed. I know, sir, that it is suggested in the report of the majority of the committee that of the 900,000 tons of registered

shipping, of vessels classed as engaged in our over-sea voyages, there is not to exceed 500,000 tons, or a little over one-half of it regularly engaged in this service. That there is a large per cent of these old and unprofitable to operate, but if this be true, as it doubtless is, the same will in a large measure also be true with our proposed new additions thereto. As new vessels are built and placed in commission, old ones will become worn, disabled, and retired from active service. There will always be of any merchant marine that may be established a certain per cent of the vessels included in the estimated tonnage that is unseaworthy and useless to the trade. Hence for this, if for no other reason, it may be safely concluded that the earning capacity of our foreign shipping proposed to be created by this bill will fall short of expectations.

Then again, Mr. Chairman, when you come to analyze the situation and soberly reflect upon the theory of this bill, it fails utterly to satisfy the inquiring and thoughtful mind that it will be worth its cost to the Government. When we consider that Great Britain has a merchant marine of about 17,000,000 tons; Germany a merchant marine of about 3,500,000 tons; France over 1,500,000 tons, and Norway and Italy about the same, all engaged in active competition for their share of the world's trade upon the open seas; and when in addition to this we are told that England is now paying out large sums in aid of her marine service, and will continue to expend yearly about $6,000,000 in subventions for the encouragement of her imperial shipping and commerce; that France is annually expending about $8,000,000 for this same purpose; that Italy and Japan, with less than half our population and much greater disproportion in resources, are each expending from $3,000,000 to $4,000,000 annually for a like purpose, we can begin to appreciate how futile the attempt made by this bill to meet and overcome such competition and reduce in any material degree the rate of freight charges now prevailing. But the claim is made in behalf of this bill, through its advocates, that we should adopt a like policy of government subsidy with those of our foreign competitors in order to equalize or neutralize the advantages thus given them. This is founded upon an assumption that has no foundation in fact. This theory is based upon the unwarranted assumption that these, our foreign rivals, have been granting subsidies to their merchant ships and vessels. This is, however, untrue, and in every instance to which reference has been made, investigation will prove that what purports to be a "subvention" or relief granted by these foreign governments to their shipping interests, are not in reality subsidies at all, in the sense that this bill proposes, but were in every case granted and paid to certain vessels of approved patterns as compensation for some special service rendered the government; as for instance, to facilitate the carrying of mail or some other governmental service required to be rendered under special contract or agreement, just as we are to-day paying and have been paying for several years under the postal-aid law of 1891 to the 20-knot speed American line of steamers from New York to Plymouth, Cherbourg, and Southampton, for carrying our mail under contract at the rate of $757,000 annually; and as we are paying some others of our fast-line steamers engaged in the United States mail and other service.

This kind of Government aid, if it may be so designated, has never been regarded in the nature of a gratuity, but compensation for valuable services performed. And while in some cases it may be that the amount of compensation paid is so disproportionate to the amount and value of the service rendered that it might well be suspected that the formality of a pretended contract for this purpose was a mere disguise to mask a real subsidy, yet the ostensible object in view was compensation for a supposed adequate return to the Government. So it is with the alleged subsidies and subventions claimed to have been paid by these foreign governments to their shipping industries. And in this bill it is likewise proposed to pay an annual sum of $2,665,000 of mail subventions to new lines to be established under its provisions. How much more it may finally amount too, if the policy here proposed is once adopted, no one can venture to predict. But this bill proposes to go further than this. It proposes to enter upon an entirely new and untried experiment—to inaugurate a scheme of governmental aid to the business of one class of our citizens to the exclusion of all others, but at their expense—of granting a subsidy, pure and simple, to our shipowners and shipbuilders. It proposes to make, or authorize to be made, an appropriation out of the Public Treasury of the sum of at least $1,050,000 for the first year, $1,250,000 for the second year, $1,750,000 for the third year, $2,250,000 for the fourth year, and so on with this annual geometrical increase until it reaches the sum of $5,250,000 for the tenth year, at which point the beneficent and all-merciful authors of this bill have kindly set the limit.

These are some of the harsh and cruel exactions of the shipowners and shipbuilders of the United States from the American taxpayers for which they offer no return. "Oh," they say, "it will furnish the United States Navy a naval reserve of 10,000 well-trained and experienced men to enter that service in the event of war or public danger;" that a certain per cent of the officers and crew of each of the vessels sharing in this governmental generosity shall be enrolled as volunteers in the Naval Reserve, until it shall reach the maximum of 10,000, who shall be subject to certain instructions, rules, and regulations to be prescribed by the Secretary of the Navy, and to do service in the Navy when called upon by the Government; that these men and officers shall be enrolled for a period of four years and shall be citizens by birth or naturalization, and shall be paid a retainer for each year they are so enrolled as a gratuity out of the public treasury at the end of each year at from $110 to $24 each, according to the rating of capacity to perform such service. The total annual expenditure for this purpose as provided in the bill is estimated by the majority report, for the first year at $150,000; for the second year, $300,000; for the third year, $400,000; for the fourth year, $500,000, when it shall have reached the maximum, and from this on it shall remain a perpetual charge on the Government at the rate of one-half million annually.

Now, will some gentleman kindly answer what is proposed as a return for this enormous expenditure of the people's taxes? Nothing, except that in the remote contingency of war we might have this little army of paid and pampered recruits from all sections of the world enlisted and organized as a band of retainers through questionable if not purely mercenary motives in many cases, and without ever expecting or hoping to be called upon to perform the service contemplated. How many would respond to the call when made, if ever? Who can tell? No penalty or punishment is prescribed for failure. What general or admiral trained to his duties and conscious of his responsibilities would care to risk the fate of his army or ships in the hands of such volunteers? Sir, I apprehend he would prefer the ranks of his fighting force to come from the great body of patriotic citizens, men who when they volunteer in the service of their country to do so from lofty, patriotic motives, and with an appreciation of and courage to meet the dangers and perils of war. I believe, sir, that this would be a far better and more reliable resource on which to rely in such a national emergency than the heterogeneous organization proposed by this bill.

Again, what will be thought, what must be thought, by the taxpayers and great body of our people of the proposition of organizing and maintaining at the public expense, at a cost of one-half million dollars annually, this army of 10,000 men constituting a part of the crews and officers of our steamers and ships and ocean vessels, who are already engaged in employments in the service of the rich and powerful corporations, at far better wages than a large per cent of our laboring people are receiving in other fields of toil upon the mere ground that we might some time in the future—when, no one knows; no one can tell; perhaps never—have occasion to use them in the service of the Navy in a war that is not likely soon to happen. If I know anything of the temper of the American people, and of their sentiment upon this subject, I believe, sir, if given a chance to express themselves, they would respond to this demand by an overwhelming protest.

Not only so, Mr. Chairman, but, sir, this protest is already being made, and, strange to say, by the very men in whose interest they would have the country believe they, in large measure, propose this legislation. It is maintained that one of the reasons why our shipbuilders and shipowners should be granted this bounty is that they are compelled to pay higher wages to American seamen and wage-workers in the construction of our ships and their operation than European countries, and that this subsidy is therefore necessary to maintain this high rate of wages and equalize the difference between these high American rates and the low European cost of labor. They further attempt to convey the impression that our American seamen are favoring this bill. Let them speak for themselves. I have here, sir, a copy of the resolutions adopted by the International Seamen's Union at a meeting held in Boston, Mass., December 3 to 12, 1906, sent to me through the mail by its secretary and treasurer, one William H. Frazier, on January 2, 1907, and I have no doubt that other Members of this House have received similar copies. These resolutions are so pertinent, strong, and expressive of the views held by this large class of men engaged in and dependent upon their employment in this branch of the sea service, and speak with such intelligence, force, and knowl-

edge of the subject, that I think they deserve a permanent place in the records of this House and of the country, and I therefore propose to incorporate them as part of my remarks at this very point. They are as follows:

OFFICE OF SECRETARY-TREASURER,
INTERNATIONAL SEAMEN'S UNION OF AMERICA,
1½ LEWIS STREET, BOSTON, MASS.

Whereas the so-called "ship-subsidy bill" is still being vigorously pushed; and

Whereas we are informed that threats are applied to public men, and especially Members of Congress who refuse to indorse or assist in the passage of the same through the House of Representatives; and

Whereas some body calling itself the "Maritime Trades Council of New York and vicinity," probably "maritime" because there are no mariners in it, are either consciously or unconsciously misrepresenting the nature of the bill in communications sent to all local or national trades unions whose address they can obtain, including in the same blank forms or resolutions to be adopted, signed, sealed, and forwarded to Congressmen urging the passage of this measure: Therefore, be it

Resolved, By the eleventh annual convention of the International Seamen's Union of America, that we hereby warn all organizations of workingmen against these communications coming from this so-called "Maritime Trades Council" concerning such shipping bill; and we hereby declare the information sent out to be misleading to the reader in this, that it misrepresents both the shipping bill itself, the purpose for which it was drawn, and what it will accomplish if enacted; further

Resolved, That as seamen, representing seamen, and having given careful consideration to the bill, we protest against its enactment into law for the following reasons:

1. Section 1 provides for the establishment of a Naval Reserve into which seamen within a certain standard of health and age shall be admitted, and offers us a bonus, for which we never asked and against which we most emphatically protest. When this country needed men we always volunteered, and Congress has no right to assume that we will do otherwise in the future.

2. Subsection 6 of section 3 and section 7 provide: That the owners are not to receive the subsidy unless an increasingly large number of naval reserves be carried in their vessels. This makes industrial employment contingent upon enlistment in the Navy during the seaman's entire military age, and it is a more drastic form of conscription than is now practiced by any country.

3. Section 1 puts us absolutely under the authority of the Secretary of the Navy after this compulsory enlistment has been completed, to "receive such instructions and be subject to such regulations as the Secretary of the Navy may prescribe." To refuse would mean punishment for desertion under naval regulations.

4. The bonus shall only be paid on condition that we have served in some private vessel to the satisfaction of the owner thereof for six months or more during the previous twelve months. The bonus shall be paid "on certificate by the Commissioner of Navigation that such member has served satisfactorily for at least six months—on some merchant vessel of the United States." Since none but the owner or master of the vessel can give such certificate, the receipt of the bonus will depend upon the good will of the owner of the vessel. The employer therefore could, and, as we know him, we know that he would reduce the present all too-low wages by so much as the Government would be paying. To dispute his right to determine the rate of wages would be to fail in getting that certificate of good conduct necessary to get the bonus.

5. This bill makes the seaman's bread dependent, first, upon service in the Navy in both peace and war, second, being capable of obtaining and retaining the good will of his individual employer.

6. He can not, like an honest man, refuse to accept money which he has not earned; he must either so behave himself as to fail to get a certificate of good conduct, he must leave the calling or he must accept, no matter if what self-respect he may possess is thereby wounded or destroyed.

7. He must at all times be ready to go to war upon call of the President against anybody, in any cause, for anybody; he may not, like a citizen may, refuse to serve until the President shall, by the need of the country, deem it proper to call upon all men in the country's defense.

8. We protest against being used as a key to open the Treasury and as a pack mule to carry away the plunder. We are too ill paid and poor to live like other men; but we have yet, in spite of our status under the law and the pity with which we are considered, sufficient self-respect to appreciate the true value of the gift which this bill contemplates forcing upon us.

Sir, in view of this comment upon the provisions of this bill by the men who constitute the crews and operating force of our merchant marine, and from whose ranks it is proposed to recruit and enroll the contingent naval reserve, it would seem that much of the glare and glitter of its patriotic features, its patriotic pretensions, have vanished like Ben Adhem's vision. No, sir, I will not permit myself to believe that any ingenuous advocate of this proposed measure will further imperil its fate or prospect of success, if any it has, by any such folly as this. Nor do I imagine that he will persist in the equally absurd effort to justify the exceptional claims of our shipowners and shipbuilders and other kindred predatory millionaires upon the Public Treasury or taxpayers of the country. Sir, it will not do to insist upon or attempt to justify any such a theory as this until its sponsors are ready and willing to admit its equal application to the wheat grower, corn grower, and cotton planter. They, too, many of them, have become embarrassed and cramped. They, too, many of them, have been left in the race of competition with other more favored and fortunate competitors; this most worthy and deserving class of our citizens would doubtless appreciate the advantages of having the difference between the productive capacities of their worn and exhausted farms and plantations, and the expense of fertilizing stimulus, and the fresh and vigorous soils of the better improved and newer fields with which they are compelled to compete equalized through some governmental agency—by a subsidy or bounty—but if one or more of these should be moved by the hard lines into which they have fallen to ask the Government for a subsidy or bounty, a howl of indignant protest would first be heard from these guardian saints and patriotic defenders of the national honor and its Public Treasury.

The only reasons assigned by the majority why they think the policy proposed by this bill is preferable to the old historic policy of discriminating duties which this Government maintained from its beginning down to 1849, and even as late as 1886, with certain intervening changes and modifications, is, first, the difference in our mercantile conditions between the first half of the nineteenth century and our present conditions. Since then it is contended that under the liberal provisions of the laws of 1815, 1828, 1849, and 1886, offering reciprocity to the various foreign countries who were willing to accept the terms proposed in those laws, there have been made and entered into some thirty commercial treaties with foreign powers, by the terms of which discriminating tariff and tonnage duties are prohibited. It is admitted that this is not an insuperable objection and that these treaties may all be abrogated by one year's notice, etc. As already stated, most of these treaties are now obsolete by reason of the violation of their terms by foreign governments and other failures to observe them. But where this is not the case it is not pretended that any particular difficulty would likely be experienced in terminating them by notice, as provided by their terms. Secondly, it is insisted that if we returned to this policy of discriminating duties that other governments would retaliate by assessing against our vessels and exports discriminating duties, especially our agricultural and manufactured products.

An all-sufficient answer to this argument is that the principal European countries, who are our strongest rivals in the commerce upon the ocean and which own most of the merchant ships engaged in over-sea trade in competition with us, can not afford to invite a commercial war of this kind for the reason, among many others, that they are dependent upon us for much of their food products and other necessary supplies, and if they might by retaliatory measures have the power to cripple our merchant fleets, they would be deterred from this course by self-interest. It must be remembered that while many changes have taken place since the early part of the nineteenth century in our commercial conditions and relations, these changes have not been against, but in our favor; then we were a comparatively weak nation so far as our foreign trade was concerned, with a small and insignificant Navy, undeveloped national resources, and our industrial system yet in its infancy. We were then a debtor nation with the balance of trade against us. If with all these disadvantages against us we were then able to maintain our system of trade regulations and successfully protect our shipping interest against the old, strong, and well-established Governments of Great Britain, Germany, France, and other less powerful governments of Europe, and controlled at that time with our merchant marine as much as 94 per cent of our entire over-sea trade, it would seem now, standing as we do the acknowledged greatest power among the nations of the earth in the strength of our national resources, in our credit, the volume of our domestic and foreign commerce, and in the development of our manufacturing and industrial system, we need have, it seems to me, sir, but little fear of the claim urged that other nations might or would be able, by any system of retaliation to which they might resort, defeat that policy so successfully pursued in the earlier days of the Republic. I, for one, sir, refuse to believe this.

I for one refuse to give up my faith in the plan and policy devised by the wisdom of the fathers, under which our merchant marine achieved such remarkable success, at the bidding of the cohorts of modern graft and greed. But, say the advocates of this special interest, this old policy can not now be made effectual, because under the provisions of the Dingley tariff law the large per cent of our imports are on the free list, and unless a change is made and these articles are placed on the dutiable list our discriminating tariff duties could not be made effective; that from 45 to 47 per cent of our entire imports come in free of duty—that is, in value, and in bulk probably as much as 60 or 70 per cent. In other words, unless the free list is abolished, discriminating duties can not be applied to the encouragement of more than 40 per cent, or a little less than one-half, of our American shipping engaged in foreign trade. It is said that when the policy of tariff discriminations was so successfully applied for the encouragement of our foreign shipping nearly all imports were dutiable, and such a thing as a free list was scarcely known. And then they suggest that if the free list is abolished and these free articles are made dutiable it would so enhance the cost of living and of certain crude materials for our

manufacturing that the people would never submit to it. This character of argument is, to say the least, a little strange to come from these orthodox stand-patters and high priests of protection, but they can always be relied upon in emergencies, and this is one of them, and hence they employ an argument to support a ship-subsidy steal which they just as readily repudiate in the defense of a tariff robbery.

But what is consistency between friends, especially between friends of ship subsidy and high-tariff protection? This argument is invoked evidently but for one purpose and one purpose only, and that is to induce the belief, if possible, that if the policy for which the Democratic party stands—to encourage and again build up our American merchant marine by wholesome navigation laws and discriminating duties—it would require all articles now on the free list to be placed on the dutiable list, and thereby raise the price of living in order to make that policy effective. Democrats, however, are not so unfortunate as Republicans in this contest. They do not have to reverse their position on any question or ask for the imposition of any additional burdens on the people to secure the relief for which they contend. It is true, sir, that we have many articles of imports on the free list, and only wish there were more, if this brings to the people such a boon as our Republican friends now say it does. The shipowners and shipbuilders of this country have no right to expect, much less to demand, that they be given protection at the expense of the sacrifice of the whole earth.

It is said in the majority report that when the Merchant Marine Commission was first organized and started out upon its investigation of this subject that probably a majority of its members who had any positive views upon the subject were strongly in favor of another trial of the policy of discriminating duties, and believed that that course would be recommended to Congress. That from the very beginning of the inquiry powerful arguments for the discriminating-duty plan was advanced by the Maritime Association of the Port of New York and other prominent bodies interested in our foreign shipping, including many leading shipowners and shipbuilders, merchants, and manufacturers throughout the country. But when they came to investigate our trade conditions they found that the trade with South America and the Orient could not be gained for American ships unless the free list was abolished; that they discovered that about 82 per cent of our entire import trade from South and Central America was on the free list; that in our trade with China, Japan, India, and the Orient about 61 per cent of our imports were on the free list, and hence discriminating duties could not adequately encourage American shipping to engage more largely in the commerce of these countries unless we abolished the free list and made these imports dutiable.

In answer to this argument it may be replied that while it may be true, as suggested, that our free list now is much larger than it was when the policy of discriminating duties was so effectual, yet it is equally true that the volume of our trade with those countries has grown marvelously since then and the per cent of dutiable articles now will favorably compare with our total trade at that time, and this leaves us a fair margin in that trade against which this policy can be enforced. Besides it is conceded, or if not conceded it is a well-known fact that none of these countries are ship-owning and ship-operating countries, and that the great bulk of their commerce is being carried in foreign vessels and by foreign tonnage, principally owned and controlled by European countries, with whom the very large per cent of our foreign trade is had; and it is admitted that if like conditions existed between our country and the South and Central American countries and the Far East as prevail between this country and those of Europe, this objection would not be tenable, for it is stated in the Commission's report that not to exceed 28 per cent of our imports from Europe are on the free list, and not to exceed 17 per cent of those from Cuba.

"But," says the majority report, "having given careful and painstaking investigation to the subject, the majority of the Commission were induced to change their minds from discriminating duties to the scheme of 'subventions,' as provided in this Senate bill." And this, by the way, Mr. Chairman, was neither new nor novel, for it may be here recalled that the Republican party, to which, I am informed, the members joining in the majority report of the Commission belong, and with whose views and sentiments upon this subject they are in entire accord and sympathy, performed a like feat with great, if not equal, facility immediately after the campaign of 1896. Sir, the Republican party can no longer surprise the country or achieve new notoriety by this kind of acrobatic performance, and it would be a vain and thankless task for any of its adherents at this late day to attempt to redeem it from a fault, if such it be, that not only inheres in its warf and woof, but in which it glories, and for which it has become historic. At the St. Louis convention in 1896 the Republican party, the party now in control, and which has been in control since that time of every department of the Government, incorporated in its platform the following declaration upon this identical subject. It reads as follows:

> We favor restoring the American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that American ships, the product of American labor employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans, may regain the carrying of our foreign commerce.

Now, Mr. Chairman, here is the record of the Republican party, and, I submit, a more emphatic, clear cut, and unequivocal declaration could not well be phrased in the English language, indorsing and pledging your party to what you here say is the "American policy," the policy that the Democratic party has always maintained and now maintains is the only proper, legitimate, and effective policy to rebuild and restore our merchant marine to its wonted prestige, power, and glory upon the seas.

But, Mr. Chairman, in addition to all this we have now reached the high-water mark of our history in our foreign and international trade. Our imports during the year just closed aggregated the stupendous sum of $1,226,562,446, and our exports the no less astonishing sum of $1,740,864,500, making the total aggregate of our foreign trade $2,970,426,946, an increase of $334,000,000 over that for the preceding year of 1905. Not only this, Mr. Chairman, but the annual report of the Secretary of Commerce and Labor for the year just passed—1906—shows that of this increase in our imports and exports it occurred chiefly in our trade with Europe, North America, and Asia. Here is what he says. I quote from his report at page 27:

> The increase in imports during the year occurred chiefly in trade with Europe, North America, and Asia, the increase in imports from Europe being ninety-three millions; from North America, eight millions; from Asia, eighteen millions, while imports from South America showed a decrease of ten millions, due mainly to a reduction in the quantity of coffee imported from Brazil. The exports to Europe increased one hundred and seventy-nine millions, due chiefly to an increase in the quantity of breadstuffs and provisions available for foreign markets—to North America forty-eight millions and to South America eighteen and one-fourth millions. The exports to Asia show a decrease of $23,000,000, occurring chiefly in trade with Japan and China. The exports to Japan during the year were thirteen millions less than those of 1905, and those to China ten millions less.

These figures, Mr. Chairman, confirm and more than vindicate the position taken by the opponents of this measure, namely, that the strongest argument advanced in its favor, to wit, that we can not safely return to the policy of protection by discriminating duties, is wholly unsupported by facts and is without justification in reason. But this is not all. To still further show the utter fallacy of the contention thus made, I call attention in this connection to the receipts of the Government for the fiscal year 1906 and the amount of revenue derived from our customs duties alone. The total amount of receipts from all sources is $594,454,121.67; total receipts from customs duties, $300,251,877.77, an increase of $38,453,020.86 from this same source over the previous year, with an estimated total revenue for the year 1907 of $607,243,037.41. An analysis of the items and sources of these receipts, as shown by the report of the Treasurer of the United States, shows that the burden of taxation falls about equally upon foreign imports and domestic products. When, therefore, we contrast this array of facts and figures shown from official sources with the statements made in support of the contention urged by the ship subsidy advocates it furnishes a complete refutation and demonstrates most conclusively the sophistry of their arguments and hopelessness of their cause.

Now, in conclusion, Mr. Chairman, let us concede all that is claimed by the honorable and learned gentlemen who made and submitted the majority report in favor of this bill, and all that is contended by those who are supporting this measure upon the point of the difference in our commercial conditions and the situation between the earlier days of the Republic and to-day, and contrast those conditions with reference to our merchant marine. It is said that at the close of Washington's Administration our merchant vessels carried 92 per cent of our entire over-sea trade. At that time our total registered tonnage was only 123,893, but a small per cent more of tonnage than is now required to carry 1 per cent of our present immense volume of foreign trade. Now we have more than 900,000 tons of registered shipping engaged in our foreign trade, and it has a capacity to carry less than 8 per cent of our trade. A most striking and interesting contrast, indeed, Mr. Chairman. Again, if we shall realize the full measure of the productive capacity of this bill, if it should ever become a law, and I sincerely trust it may not, we will then have, potentially at least, a merchant marine with a carrying capacity of not to exceed $712,800,000 in value of our foreign over-sea commerce, less than one-fourth of the whole, and in order that we might be able to carry even half of our imports and exports we would have

to have just double the amount of tonnage proposed by this bill, or an increase to at least 5,400,000 tons, and if we carried three-fourths we would have to have three times as much, or 8,100,000 tons, and if we carried all we would be required to have four times as much, or 10,800,000 tons.

Our foreign shipping at this time is carrying 92 per cent of our commerce—last year amounting to $2,970,426,954. A high authority of world-wide reputation as a statistician, M. G. Mulhall, estimates average sea freights at 8 per cent of the value of the goods. This makes our annual freight bill $237,638,156, of which sum we pay to foreign shipping the sum of $212,466,113. The proposed "subvention scheme" of this bill would not reduce this drain to any perceptible extent. When we carried this 92 per cent of our commerce, we could import far beyond our export mark with perfect safety. Now we can not. It requires over $500,000,000 annually to balance our commerce—in exports or cash. A change, say the friends of this scheme, has taken place since the first half of the nineteenth century in our commercial and trade conditions. Yes, indeed, sir; and if it were possible for the men who wrought and achieved in the beginning of the nineteenth century to view the dawn of the twentieth with all the marvelous changes and wonderful development in the means and methods of our production and transportation, our national industrial and manufacturing resources, their astonishment would defy expression. And not the least of the things that would challenge their surprise and excite their amazement would be the proposition of the Republican party to reverse and set aside a policy instituted by their wisdom and sanctioned by the experience and traditions of the Republic and to substitute therefor this modern Republican system of spoliation, graft, and greed.

Yes, sir; we are proud of our achievements in the past, but our national pride is still more exalted when we view and contrast our conditions as a nation in the early half of the nineteenth century with the phenomenal achievements of the intervening years of our history, with the sum total of our national wealth, strength, and power at the beginning of the twentieth century. Verily, indeed, we stand to-day upon the very verge of realizing the prophecy of Tennyson—

> For I dipt into the future, far as human eye could see,
> Saw the vision of the world and all the wonders that would be;
> Saw the heavens fill with commerce, argosies of magic sails,
> Pilots of the purple twilight, dropping down with costly bales.

But, sir, all this boasted wealth, strength, and power has not been the result of always wise, judicious, and patriotic laws. Indeed, quite the contrary has often been true, as, for instance, in the case of our merchant marine. If, therefore, we shall hope to meet the just expectations of the American people and realize their anticipations—always deeply concerned in all that involves the honor, integrity, and renown of their country, ready and willing at all times, with the sacrifice of life and treasure, if needs be, to protect, defend, and preserve its institutions—we must turn from the "dead sea fruit" of this bill, that would impose a burden of more than $25,000,000 annually upon the taxpayers of the nation and all this without hope of the fulfillment of its prophecy, to that historic policy of the early days of the Republic, so aply and eloquently described in the Republican platform of 1896 as the true "American policy"—the policy for which the Democratic party has ever stood and now stands—the policy which has justified its claims to the confidence of the country by its past record of achievements and accomplished results. [Loud applause.]

Mr. HAY. I yield twenty minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, ninety-two years ago to-day Andrew Jackson and his raw troops defeated, at New Orleans, and drove the English army, finally, I hope, from the jurisdiction of the United States. It is a coincidence that we are to-day engaged in the consideration of a bill "making appropriation for the support of the Army for the fiscal year ending June 30, 1908."

It is not my purpose now, Mr. Chairman, to speak of the patriotic deeds of Andrew Jackson, nor to elaborate the history of the great battle of New Orleans, but I have some pertinent and timely matter that I wish to read to the House. My main purpose to-day is to call the attention of this House to the fact that this is the ninety-second anniversary of that great event, and that the American Congress in 1815 passed a resolution of thanks to General Jackson and his troops and ordered a gold medal to be given him at the public expense.

I will ask the Clerk to read that resolution.

The Clerk read as follows:

Resolutions expressive of the thanks of Congress to Major-General Jackson and the troops under his command for their gallantry and good conduct in the defense of New Orleans.

Resolved, etc., That the thanks of Congress be, and they are hereby, given to Major-General Jackson, and, through him, to the officers and soldiers of the Regular Army, of the militia, and of the volunteers under his command, the greater proportion of which troops consisted of militia and volunteers suddenly collected together, for their uniform gallantry and good conduct conspicuously displayed against the enemy from the time of his landing before New Orleans until his final expulsion therefrom, and particularly for the valor, skill, and good conduct on the 8th of January last in repulsing, with great slaughter, a numerous British army, of chosen veteran troops, when attempting, by a bold and daring attack, to carry by storm the works hastily thrown up for the protection of New Orleans, and thereby obtaining a most signal victory over the enemy, with a disparity of loss on his part, unexampled in military annals.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major-General Jackson as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-General Jackson in such terms as he may deem best calculated to give effect to the objects thereof.

Approved February 27, 1815. (30th Cong., 3d sess., resolution 10.)

Mr. GAINES of Tennessee. Mr. Chairman, on January 21, 1815, General Jackson had "read at the head of each of the corps composing the line below New Orleans" an address, and amongst other things he spoke of this marvelous victory, which prompted the Congress to unanimously pass this resolution of thanks. General Jackson, in this address to his troops, in part said:

On the 8th of January the final effort was made. At the dawn of day the batteries opened and the columns advanced. Knowing that the *volunteers* from Tennessee and the militia from Kentucky were stationed on your left, it was there they directed their chief attack.

Reasoning always from false principles, they expected little opposition from men whose officers even were not in uniform, who were ignorant of the rules of dress, and who had never been *caned into discipline.* [Italics his.]

Fatal mistake! A fire incessantly kept up, directed with a calmness and unerring aim, strewed the field with the bravest officers and men of the column which slowly advanced according to the most approved rules of European tactics and was cut down by the untutored courage of American militia.

Unable to sustain this galling and unerring fire, some hundreds nearest the intrenchments called for quarter; the rest, retreating, were rallied at some distance, but only to make them a surer mark for the grape and canister shot of our artillery, which, without exaggeration, mowed down whole ranks at every discharge, and at length they precipitately retreated from the field.

Our right had only a short contest to sustain with a few rash men, who, fatally for themselves, forced their entrance into the unfinished redoubt on the river.

They were quickly dispossessed, and this glorious day terminated with a loss to the enemy of their commander in chief and one major-general killed, another major-general wounded, and the most experienced and bravest of their officers, *and more than 3,000 men killed, wounded, and missing, while our ranks, my friends, were thinned only by the loss of 7 of our brave companions killed and 6 disabled by wounds—wonderful interposition of heaven! Unexampled event in the history of war!*

Let us be grateful to the God of battles, who has directed the arrows of indignation against our invaders, while he covered with his protecting shield the brave defenders of their country.

After this unsuccessful and disastrous attempt, their spirits were broken, their force was destroyed, and their whole attention was employed in providing the means of escape. This they have effected; leaving their heavy artillery in our power, and many of their wounded to our clemency. The consequences of this short, but decisive, campaign are incalculably important. The pride of our arrogant enemy humbled, his forces broken, his leaders killed, his insolent hopes of our disunion frustrated, his expectation of rioting in our spoils and wasting our country changed into ignominious defeat, shameful flight, and a reluctant acknowledgment of the humanity and kindness of those whom he had doomed to all the horrors and humiliation of a conquered state.

I have before me, Mr. Chairman, the speeches delivered in the House in February, 1815, touching upon this resolution and upon this wonderful military feat of our forces. Mr. Troop, of Georgia, reported the resolution. He said:

That he congratulated the House on the return of peace; if the peace be honorable, he might be permitted to congratulate the House on the glorious termination of the war. He might be permitted to congratulate them on the glorious termination of the most glorious war ever waged by any people. To the glory of it General Jackson and his gallant army had contributed not a little. I can not, sir, perhaps language can not, do justice to the merits of General Jackson and the troops under his command, or to the sensibility of the House, I will therefore forbear to trouble the House with the usual prefatory remarks; it is a fit subject for the genius of Homer.

But there was a spectacle connected with this subject upon which the human mind would delight to dwell—upon which the human mind could not fail to dwell with peculiar pride and exultation. It was the yeomen of the country marching to the defense of the city of Orleans, leaving their wives and children and firesides at a moment's warning. On the one side, committing themselves to the bosom of the mother of rivers; on the other, taking the route of the trackless and savage wilderness for hundreds of miles. Meeting at the place of rendezvous; seeking, attacking, and beating the enemy in a pitched battle; repulsing three desperate assaults with great loss to him; killing, wounding, and capturing more than 4,000 of his force, and finally compelling him to fly precipitately the country he had boldly invaded. *The farmers of the country triumphantly victorious over the conquerors of the conquerors of Europe. "I came, I saw, I conquered," says the American husbandman, fresh from his plow.*

The proud veteran who triumphed in Spain and carried terror into the warlike population of France was humbled beneath the power of my arm. The God of Battles and of Righteousness took part with the defenders of their country, and the foe was scattered before us as chaff before the wind. It is, indeed, a fit subject for the genius of Homer, of Ossian, or Milton.

That militia should be beaten by militia is of natural and ordinary occurrence; that regular troops should be beaten by militia is not without example; the examples are as numerous, or more numerous, in our

own country than in any other; but that regular troops, the best disciplined and most veteran of Europe, should be beaten by undisciplined militia, with the disproportion of loss of a hundred to one, is, to use the language of the commanding general, almost incredible. The disparity of the loss, the equality of force, the difference in the character of the force, all combine to render the battle of the 8th of January at once the most brilliant and extraordinary of modern times. Nothing can account for it but the rare merits of the commanding general and the rare patriotism and military ardor of the troops under his command.

Glorious, sir, as are these events to the American arms, honorable as they are to the American character, they are not more glorious and honorable than are the immediate consequences full of usefulness to the country. If the war had continued the men of the country would have been inspired with a noble ardor and a generous emulation in defense of the country; they would have struck terror into the invader, and given confidence to the invaded. Europe has seen that to be formidable on the ocean we need but will it. Europe will see that to be invincible on land it is only necessary that we judiciously employ the means which God and nature have bountifully placed at our disposal. *The men of Europe, bred in camps, trained to war, with all the science and all the experience of modern war, are not a match for the men of America taken from the closet, the bar, the court-house, and the plow. If, sir, it be pardonable at any time to indulge the sentiments and feelings, it may be deemed pardonable on the present occasion.*

Mr. Robertson, a Member of Congress from Louisiana—and I dare say an ancester of the present Member from Louisiana of the same name, the Hon. SAM ROBERTSON—said:

Mr. Speaker, representing alone on this floor an interesting part of our country, saved by heroism unmatched from horrors which can not be described, I shall be excused for expressing my admiration of General Jackson, his great achievements, and the splendid battles which we now commemorate.

He then spoke of the fidelity of the Louisiana French to Jackson in this crisis. Many of them that came under the command of General Jackson were French or of French descent, and it was expected that they would not faithfully fight. Yet they not only did that, but this same Congress passed a resolution of thanks specially to the people of Louisiana for the great assistance they gave General Jackson on this occasion.

Mr. Robertson then continues in describing Jackson's army and his rough breastworks:

Hasty levies of half-armed, undisciplined militia from the interior of our vast continent, from the banks of the Tennessee, the Cumberland, and the Ohio, traversing wide and trackless regions, precipitate themselves to the scene of conflict, resolute to defend their distant brethren from the dangers with which they are menaced. There the hardy sons of the West, with the yeomanry of the adjacent territory and the invaded State, with a handful of regulars and a few armed vessels, constituted that force from which the tremendous armament of our enemy was to experience the most signal overthrow the world has ever witnessed. But Jackson was their leader, and though inexpert in scientific warfare they were animated by something more valuable than discipline, more irresistible than all the energy which mere machinery can display; they were animated by patriotism, by that holy enthusiasm which surmounts all difficulties and points the way to triumph. Happy if a parallel to their conduct may be found. It must be looked for in the achievements of those who, like themselves, fought for the liberties of their country. History records, to the consolation of freemen, that the Poles, unarmed and ignorant of tactics, beat the veteran troops of Frederick and Catharine in many pitched battles, never less than three times their numbers, but their leader was Kosciusko. In the early stages of the Revolution the peasantry of France, under Custine and Du Mourier, repulsed from their soil the disciplined thousands of the Duke of Brunswick; but it was not the Poles nor the Frenchmen; *it was love of country.* It was the cause.

He speaks of the 8th of January in these words:

On the 8th of January, a day destined to form an era in history, this army of invincibles, led on by gallant chiefs, advanced to the charge with firm step, according to methods most approved—trenches hastily thrown up, defended by what they considered a mob, a vagabond militia, promised an enterprise destitute alike of hazard and of honor. They were met by an incessant and murderous discharge of musketry and artillery; the whole line was a continuous sheet of fire; intrepidity stood appalled, their generals slain, the ditch filled, the field strewed with the dying and the dead; a miserable remnant of their thousands fled back to their intrenchments. The battle closed, a battle whose character, from the nature of the troops engaged and the disparity of loss, is the most wonderful, whose effects are as important, as any that was ever fought. *And now we are invited to the contemplation of a scene which reflects immortal honor on the inhabitants of New Orleans and, by contrast, eternal shame on the enemy.*

The dead were interred, the agonies of the dying assuaged, the wounded relieved; that property which was to have been given up to plunder was willingly yielded to their wants, and the very individuals, the marked victims of their licentiousness, vied with each other in extending to them every proof of tenderness and humanity.

Mr. Speaker, I am reminded in reading that paragraph of one of the things that made the troops under Jackson fight so. The enemy said victory meant "booty and beauty" to them. It meant not only plunder, but invasion of all that is sacred to you—wife and daughters—and yet so humane were the soldiers of Jackson—the Tennesseans, the Kentuckians, and the Mississippians—who fought that battle and the people of New Orleans that they cared for the wounded and they buried the dead, and Jackson secured before the battle ended a suspension of the fight in one place to attend to this humane duty. Mr. Chairman, just a few steps more in this great debate about this resolution and then I am done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended ten minutes.

The CHAIRMAN. The Chairman would state to the gentleman that the time is controlled by the gentleman from Iowa and the gentleman from Virginia.

Mr. HAY. I yield the gentleman ten minutes.

Mr. GAINES of Tennessee. Mr. Ingersoll, from the great State of Pennsylvania, on this occasion said:

Mr. Speaker, I regret that these resolutions require any amendment. I am persuaded, however, that their final passage will be unanimous. The House will excuse me, I hope, if I indulge myself in a few observations on this occasion. I speak impromptu, sir, without premeditation—I have found it impossible to think—I have been able only to feel these last three days. The unexpected, the grateful termination of the glorious struggle we have just concluded is calculated to excite emotions such as can be understood by those only who can feel them.

For the first time during this long, arduous, and trying session we can all feel alike—we are all of one mind—all hearts leap to the embraces of each other. Such a spectacle as that now exhibited by the Senate and House of Representatives of the United States of America was never presented to the world before.

While the Senate are ratifying a treaty of peace, the House of Representatives are voting heartfelt thanks to those noble patriots, those gallant citizen-soldiers who have crowned that peace with imperishable luster. The terms of the treaty are yet unknown to us. But the victory at New Orleans has rendered them glorious and honorable, be they what they may. They must be honorable under such a termination of the war.

Those commissioners who have afforded us such signal credentials of their firmness heretofore, can not possibly have swerved. The Government has not betrayed its trust. The nation now can not be discredited. It has done its duty and is above disgrace.

Within five and thirty years of our national existence we have achieved a second acknowledgment of our national sovereignty.

In the war of the Revolution we had allies in arms, reinforcements from abroad on our own soil, and the wishes of all Europe on our side.

But in this late conflict we stood single-handed. Not an auxiliary to support us, not a bosom in Europe that dared beat on our behalf, not one but what was constrained to stifle its hopes, if it entertained any in our favor. The treaty signed at Paris on the 30th of last May placed us in a situation of the utmost emergency.

Mr. Chairman, peace had been agreed to before the battle of New Orleans had been fought, but Jackson did not know it, nor did the English generals; otherwise this battle would not have been fought.

Mr. Chairman, I must be brief. I love to read after those old statesmen—the old patriots. It is well for us to quit reading a whole lot of modern trash and "go away back up the creek" and read the words of patriots who were unbought and unpurchasable, who would not sell their independence, their own thoughts, their own belief, their influence, or their power of speech for pelf or power. [Applause.] Hence I have read these resolutions and from those old speeches of 1815, which you seem to enjoy.

The victory of Jackson and his troops, to use a short expression, "set up" this country, and, as one of these speakers said, made it a "sovereign" in the eyes of the world. This, Jackson's victory, has compelled the world to respect American arms—the Stars and Stripes—as no other one military act has done.

Before this I should have said there was only one known soldier who deserted from Jackson's army. He went over and told the English where he thought the weak places in Jackson's forces were, and I find in a little red-backed book somebody sent me to-day, entitled "An Official and Full Detail of the Battle of New Orleans," by Maj. B. M. Davis, a footnote that states that as a fact, as follows:

This man was the *only* deserter from Jackson's army. He told Sir Edward where the *weakest* parts of the American lines were, having nothing but Tennessee and Kentucky militia to defend it. The principal column attacked *that* point. After the defeat they *railed* at the deserter and *hung* him.

No one can blame the British for that hanging. It is rather remarkable enough were left alive to make a good job of it.

I read now, Mr. Chairman, from a fellow-citizen from the city of Nashville, Col. Arthur S. Colyar, who has recently written a book entitled "The Life and Times of Andrew Jackson." This splendid old man—statesman, lawyer, patriot, and author—son of a Kings Mountain hero, still survives and will be out to-night, I dare say, at the Hermitage Club, Nashville, where the Ladies' Hermitage Association, which takes care of the "Hermitage," where Jackson lived and died, will celebrate the victory of New Orleans, as they do annually.

Indeed, he will not only be out to-night, but I dare say he will be out to-morrow, for he is still an active practitioner at the Nashville bar, though about 84 years of age. Here is what he says about this marvelous victory of Jackson:

The battle of the 8th of January is a mystery. It is difficult to believe the well-established facts.

That is what Jackson himself said when he reported only 6 killed on the 8th of January.

Colonel Colyar continues:

Historians have been slow to admit the facts as they are. In these chapters I am undertaking to account for this marvelous triumph by untrained militia over one of the best armies England ever sent into the field, and I trust my readers will not be impatient to have me

reach that memorable day in our history, because to know and be satisfied about the result of the 8th and the complete triumph of General Jackson, contending with more than double his number, and how it was done, the whole facts must be given, though it may seem tedious. No writer that I have found has satisfactorily accounted for this marvelous chapter in war. Jackson, by a generalship that has no counterpart, whipped this great battle before he got to it. If I take what may seem to be more time than is necessary in reaching the final struggle, let it be remembered that nothing like it is recorded in history.

Two thousand dead British and less than a dozen men lost on the American side is the wonder in war's record, the loss from the time of landing being more than 3,000.

Colonel Colyar then quotes at length from Jackson and New Orleans, by Walker, who graphically describes Jackson's troops between December 28, 1814, and the 1st of January, 1815, when the two armies were confronting each other on a level plain, as follows:

These wily frontiersmen, habituated to the Indian mode of warfare, never missed a chance of picking up a straggler or sentinel. Clad in their dusky, brown homespun, they would glide unperceived through the woods and, taking a cool view of the enemy's lines, would cover the first Briton who came within range of their long, small-bored rifles. Nor did they waste their ammunition. Whenever they drew a bead on any object it was certain to fall. The cool indifference with which they would perform the most daring acts would be amazing.

Mr. Chairman, those men fought with flintlock guns, with shotguns, and with the squirrel rifles, such as they could hurriedly gather together in Tennessee and Kentucky and Mississippi, and accomplished this wonderful victory over the pride of British troops.

How much, Mr. Chairman, since then the burden has increased upon the American people! We have been benefited by the fruits of that great victory as individuals and as a nation. We have millions and millions of money with which to buy and make the greatest, strongest, and most dangerous guns and men-of-war. How much greater now, in time of peace, is the responsibility on us to avoid war. Our ability is greater now to do so than ever before. Let us be actually at peace with all the world; speed the day by our example and by our teachings to at least a gradual removal of the causes of war—thus bar all its evils at a near day. Let us aid other countries that have been struggling so long at the mouth of the cannon and in front of the bloody bayonet for the same glorious principles and privileges which Jackson and his troops on the 8th day of January fought for, and that we, their children, are enjoying here to-day, but which we can aid others to get without bloodshed. [Applause.]

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 2315. An act granting a pension to Miranda Birkhead;
H. R. 2978. An act granting a pension to Amanda M. Webb;
H. R. 4292. An act granting a pension to George W. Kelley;
H. R. 9107. An act granting a pension to James W. Russell;
H. R. 9465. An act granting a pension to Ella Q. Parrish;
H. R. 10814. An act granting a pension to Eugene A. Myers;
H. R. 11483. An act granting a pension to Maria Niles;
H. R. 12517. An act granting a pension to William Bays;
H. R. 14144. An act granting a pension to Allen M. Cameron;
H. R. 16342. An act granting a pension to Matilda Foster;
H. R. 16747. An act granting a pension to Sherman Jacobs;
H. R. 17481. An act granting a pension to Eliza F. Wadsworth;
H. R. 17918. An act granting a pension to Walter S. Harman;
H. R. 19483. An act granting a pension to Lydia A. Patnaude;
H. R. 1871. An act granting an increase of pension to Alonzo Cooper;
H. R. 2715. An act granting an increase of pension to Charles Martine;
H. R. 3338. An act granting an increase of pension to Lafayette Franks;
H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;
H. R. 4689. An act granting an increase of pension to James Reeder;
H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;
H. R. 4707. An act granting an increase of pension to John H. Pitman;
H. R. 5728. An act granting an increase of pension to William Harvey;
H. R. 5846. An act granting an increase of pension to John M. Chandler;
H. R. 6956. An act granting an increase of pension to Henry L. Johnson;
H. R. 7580. An act granting an increase of pension to James W. Stewart;
H. R. 7719. An act granting an increase of pension to George Fetterman;
H. R. 8273. An act granting an increase of pension to John M. Pearson;
H. R. 8481. An act granting an increase of pension to Richard Callaghan;
H. R. 8712. An act granting an increase of pension to Josiah Hall;
H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;
H. R. 9836. An act granting an increase of pension to Dier Collett;
H. R. 11142. An act granting an increase of pension to James McQuade;
H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;
H. R. 12190. An act granting an increase of pension to Milton R. Dungan;
H. R. 12339. An act granting an increase of pension to Charles T. Murray;
H. R. 12482. An act granting an increase of pension to Samuel B. McLean;
H. R. 12667. An act granting an increase of pension to Charles W. Weber;
H. R. 13057. An act granting an increase of pension to James S. Salsberry;
H. R. 14199. An act granting an increase of pension to John Ewing;
H. R. 14480. An act granting an increase of pension to Mary C. Moore;
H. R. 14537. An act granting an increase of pension to Robert B. Crawford;
H. R. 14680. An act granting an increase of pension to Sampson Parker;
H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;
H. R. 15620. An act granting an increase of pension to David D. Owens;
H. R. 15713. An act granting an increase of pension to William McCrea;
H. R. 16211. An act granting an increase of pension to John W. Montgomery;
H. R. 16397. An act granting an increase of pension to Allie Williams;
H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;
H. R. 16741. An act granting an increase of pension to William J. Girvan;
H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;
H. R. 16856. An act granting an increase of pension to Joseph McBride;
H. R. 17051. An act granting an increase of pension to Mary A. Riley;
H. R. 17675. An act granting an increase of pension to Jonas M. Sees;
H. R. 17691. An act granting an increase of pension to George W. Henrie;
H. R. 17874. An act granting an increase of pension to Roseanna Hughes;
H. R. 18018. An act granting an increase of pension to David Evans;
H. R. 18045. An act granting an increase of pension to John M. Webb;
H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;
H. R. 18113. An act granting an increase of pension to Louisa M. Sees;
H. R. 18193. An act granting an increase of pension to Walden Kelly;
H. R. 18214. An act granting an increase of pension to John Ingram;
H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;

H. R. 18343. An act granting an increase of pension to John N. Oliver;
H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;
H. R. 18429. An act granting an increase of pension to David Mitchell;
H. R. 18493. An act granting an increase of pension to George H. Reeder;
H. R. 18705. An act granting an increase of pension to Thomas T. Page;
H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;
H. R. 19080. An act granting an increase of pension to Frederick Fienop;
H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
H. R. 19119. An act granting an increase of pension to Susan M. Osborn;
H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;
H. R. 19162. An act granting an increase of pension to Charles Van Tine;
H. R. 19174. An act granting an increase of pension to Martha A. Billings;
H. R. 19215. An act granting an increase of pension to John Lingenfelder;
H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
H. R. 19293. An act granting an increase of pension to William Colvin;
H. R. 19298. An act granting an increase of pension to Job B. Crabtree;
H. R. 19300. An act granting an increase of pension to Phebe Easley;
H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;
H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.;
H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana;
H. R. 19321. An act granting an increase of pension to Mary E. Turner;
H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;
H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;
H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
H. R. 19359. An act granting an increase of pension to Levi Brader;
H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;
H. R. 19416. An act granting an increase of pension to Antonio Macello;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19503. An act granting an increase of pension to David S. Jones;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19511. An act granting an increase of pension to Alexander Dixson;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
H. R. 19611. An act granting an increase of pension to Jacob Kinkerly;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland;
H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski; and
H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa.

WITHDRAWAL OF PAPERS.

By unanimous consent,
Mr. RAINEY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of James T. Dodson, H. R. 3458, Forty-ninth Congress, no adverse report having been made thereon.
Mr. SMITH of Kentucky, to withdraw from the files of the House, without leaving copies, the papers in the case of the estate of Levi Fields, H. R. 702, Fifty-sixth Congress, no adverse report having been made thereon.
Mr. DOVENER, to withdraw from the files of the House, without leaving copies, the papers in the case of James A. Smith, H. R. 7864, Forty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to.
Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:
A letter from the Secretary of the Treasury, submitting a statement as to the necessity of refunding certain securities held by the Treasury Department for the benefit of the South Carolina school fund—to the Committee on Ways and Means, and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for water-system extension at naval station, Guantanamo, Cuba—to the Committee on Naval Affairs, and ordered to be printed.
A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for refund to G. H. La Fountaine & Co., of Plattsburg, N. Y.—to the Committee on Claims, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of plans and estimates of cost of navigable waterway from Lockport, Ill., to St. Louis, Mo.—to the Committee on Rivers and Harbors, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Newport Harbor, Rhode Island—to the Committee on Rivers and Harbors, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a statement as to the employment of civil engineers in river and harbor works for the fiscal year ended June 30, 1906—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of Agriculture, submitting a statement of appointments, promotions, and changes in salaries paid from lump sums in his Department—to the Committee on Expenditures in the Department of Agriculture, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of legislation for permitting a patent in fee simple to be issued to Kaw pa she no quah, or Esta Beaver, a Peoria allottee—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana, reported the same with amendment, accompanied by a report (No. 6053); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23122) granting an increase of pension to Melissa D. Whitman, reported the same with amendment, accompanied by a report (No. 5886); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23133) granting an increase of pension to John Cowan, reported the same without amendment, accompanied by a report (No. 5887); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22932) granting an increase of pension to Bryngel Severson, reported the same with amendment, accompanied by a report (No. 5888); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22926) granting a pension to Louisa Bartlett, reported the same without amendment, accompanied by a report (No. 5889); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22858) granting an increase of pension to John A. Henry, reported the same with amendment, accompanied by a report (No. 5890); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22757) granting an increase of pension to Joshua E. Hyatt, reported the same with amendment, accompanied by a report (No. 5891); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22711) granting an increase of pension to Jacob Kures, reported the same with amendment, accompanied by a report (No. 5892); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22706) granting an increase of pension to William Smoker, reported the same without amendment, accompanied by a report (No. 5893); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22447) granting an increase of pension to Frank Schadler, reported the same with amendment, accompanied by a report (No. 5894); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22238) granting an increase of pension to James Stinson, reported the same with amendment, accompanied by a report (No. 5895); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21915) granting an increase of pension to John A. Smith, reported the same with amendment, accompanied by a report (No. 5896); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21648) granting an increase of pension to Michael Gaus, reported the same with amendment, accompanied by a report (No. 5897); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21603) granting an increase of pension to Calvin S. Mullins, reported the same with amendment, accompanied by a report (No. 5898); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21280) granting an increase of pension to Isaac Cain, reported the same with amendment, accompanied by a report (No. 5899); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21270) granting an increase of pension to Ellen Sullivan, reported the same with amendment, accompanied by a report (No. 5900); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20931) granting an increase of pension to John N. Shear, reported the same without amendment, accompanied by a report (No. 5901); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20733) granting an increase of pension to Oscar Andrews, reported the same with amendment, accompanied by a report (No. 5902); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20188) granting an increase of pension to John H. McCain, reported the same with amendment, accompanied by a report (No. 5903); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19832) granting an increase of pension to George W. Smith, reported the same with amendment, accompanied by a report (No. 5904); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Commitee on Invalid Pensions, to which was referred the bill of the House (H. R. 19401) granting an increase of pension to Campbell Cowan, reported the same with amendment, accompanied by a report (No. 5905); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18574) granting an increase of pension to Levi Miles, reported the same with amendment, accompanied by a report (No. 5906); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14995) granting an increase of pension to James H. Bell, reported the same without amendment, accompanied by a report (No. 5907); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4346) granting an increase of pension to T. H. B. Schooling, reported the same with amendment, accompanied by a report (No. 5908); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2175) granting an increase of pension to James W. Bliss, reported the same with amendment, accompanied by a report (No. 5909); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20730) granting an increase of pension to John Carpenter, reported the same without amendment, accompanied by a report (No. 5910); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21913) granting an increase of pension to Henry Pieper, reported the same with amendment, accompanied by a report (No. 5911); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22237) granting an increase of pension to Nathan Lawson, reported the same with amendment, accompanied by a report (No. 5912); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22445) granting an increase of pension to Adaline T. Fisher, reported the same with amendment, accompanied by a report (No. 5913); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22710) granting an increase of pension to Nelson Cornell, reported the same with amendment, accompanied by a report (No. 5914); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2826) granting an increase of pension to Samuel Prochel, reported the same with amendment, accompanied by a report (No. 5915); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 10) granting an increase of pension to Roswell Prescott, reported the same without amendment, accompanied by a report (No. 5916); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 123) granting an increase of pension to William M. Morgan, reported the same without amendment, accompanied by a report (No. 5917); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 480) granting an increase of pension to Silas A. Reynolds, reported the same without amendment, accompanied by a report (No. 5918); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 677) granting an increase of pension to Albert G. Peabody, jr., reported the same without amendment, accompanied by a report (No. 5919); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 679) granting an increase of pension to Thomas Kelly, reported the same without amendment, accompanied by a report (No. 5920); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 768) granting an increase of pension to William H. Rhoads, reported the same without amendment, accompanied by a report (No. 5921); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 771) granting an increase of pension to Samuel G. Kreidler, reported the same without amendment, accompanied by a report (No. 5922); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 774) granting an increase of pension to August Krueger, reported the same without amendment, accompanied by a report (No. 5923); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 831) granting an increase of pension to Isaac G. Clark, reported the same without amendment, accompanied by a report (No. 5924); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1257) granting an increase of pension to Patrick O'Day, reported the same without amendment, accompanied by a report (No. 5925); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1347) granting a pension to Martha W. Pollard, reported the same without amendment, accompanied by a report (No. 5926); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1493) granting an increase of pension to Cathrin Huff, reported the same without amendment, accompanied by a report (No. 5927); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1857) granting an increase of pension to William Vantilburgh, reported the same without amendment, accompanied by a report (No. 5928); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1891) granting an increase of pension to Charles F. M. Morgan, reported the same without amendment, accompanied by a report (No. 5929); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1941) granting an increase of pension to Elvira A. Kelly, reported the same without amendment, accompanied by a report (No. 5930); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2249) granting an increase of pension to George W. Smith, reported the same without amendment, accompanied by a report (No. 5931); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2541) granting an increase of pension to Thomas W. Murray, reported the same without amendment, accompanied by a report (No. 5932); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2563) granting a pension to Isaac Carter, reported the same without amendment, accompanied by a report (No. 5933); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2643) granting an increase of pension to James H. Thrasher, reported the same without amendment, accompanied by a report (No. 5934); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2669) granting an increase of pension to Winfield S. Ramsay, reported the same without amendment, accompanied by a report (No. 5935); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2734) granting an increase of pension to John R. Conyngham, reported the same without amendment, accompanied by a report (No. 5936); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2737) granting an increase of pension to Benjamin Hains, reported the same without amendment, accompanied by a report (No. 5937); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2749) granting an increase of pension to John H. Brooks, reported the same without amendment, accompanied by a report (No. 5938); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2794) granting an increase of pension to John H. Allison, reported the same without amendment, accompanied by a report (No. 5939); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3220) granting an increase of pension to Wilbur H. Clark, reported the same without amendment, accompanied by a report (No. 5940); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3221) granting an increase of pension to Robert Mills, reported the same without amendment, accompanied by a report (No. 5941); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3671) granting an increase of pension to Louis Castinette, reported the same without amendment, accompanied by a report (No. 5942); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3763) granting an increase of pension to Mary A. Baker, reported the same without amendment, accompanied by a report (No. 5943); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3767) granting an increase of pension to Samuel Turner, reported the same without amendment, accompanied by a report (No. 5944); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3931) granting an increase of pension to Fanny A. Pearsons, reported the same without amendment, accompanied by a report (No. 5945); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4032) granting an increase of pension to Solomon Craighton, reported the same without amendment, accompanied by a report (No. 5946); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the Senate (S. 4053) granting an increase of pension to William A. Smith, reported the same without amendment, accompanied by a report (No. 5947); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4127) granting an increase of pension to Samuel Paine, reported the same without amendment, accompanied by a report (No. 5948); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4406) granting an increase of pension to Susan N. Fowler, reported the same without amendment, accompanied by a report (No. 5949); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4771) granting an increase of pension to George R. Turner, reported the same without amendment, accompanied by a report (No. 5950); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4772) granting an increase of pension to Gertrude McNeil, reported the same without amendment, accompanied by a report (No. 5951); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4894) granting an increase of pension to Robert Ramsey, reported the same without amendment, accompanied by a report (No. 5952); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4979) granting an increase of pension to Don C. Smith, reported the same without amendment, accompanied by a report (No. 5953); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5067) granting an increase of pension to Martin Schultz, reported the same without amendment, accompanied by a report (No. 5954); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5073) granting an increase of pension to Daniel G. Smith, reported the same without amendment, accompanied by a report (No. 5955); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5156) granting an increase of pension to Granville F. North, reported the same without amendment, accompanied by a report (No. 5956); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5176) granting an increase of pension to Lewis C. Janes, reported the same without amendment, accompanied by a report (No. 5957); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5443) granting an increase of pension to James D. Merrill, reported the same without amendment, accompanied by a report (No. 5958); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5493) granting an increase of pension to Marcus Wood, reported the same without amendment, accompanied by a report (No. 5959); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5502) granting an increase of pension to John B. Coyle, reported the same without amendment, accompanied by a report (No. 5960); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5573) granting an increase of pension to Gustavus A. Thompson, reported the same without amendment, accompanied by a report (No. 5961); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5599) granting an increase of pension to Dennis Flaherty, reported the same without amendment, accompanied by a report (No. 5962); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5685) granting an increase of pension to James M. Jenkins, reported the same without amendment, accompanied by a report (No. 5963); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5725) granting an increase of pension to Alonzo S. Prather, reported the same without amendment, accompanied by a report (No. 5964); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5727) granting an increase of pension to Lucius Rumrill, reported the same without amendment, accompanied by a report (No. 5965); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5740) granting an increase of pension to Jared Ayer, reported the same without amendment, accompanied by a report (No. 5966); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5741) granting an increase of pension to Amelia M. Hawes, reported the same without amendment, accompanied by a report (No. 5967); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5771) granting a pension to Mary E. Thompson, reported the same without amendment, accompanied by a report (No. 5968); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5823) granting an increase of pension to Nelson Virgin, reported the same without amendment, accompanied by a report (No. 5969); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5826) granting an increase of pension to Isaac C. Phillips, reported the same without amendment, accompanied by a report (No. 5970); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5892) granting an increase of pension to Daniel W. Redfield, reported the same without amendment, accompanied by a report (No. 5971); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5963) granting an increase of pension to James Reed, reported the same without amendment, accompanied by a report (No. 5972); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5980) granting an increase of pension to Jacob Smith, reported the same without amendment, accompanied by a report (No. 5973); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6005) granting an increase of pension to John G. Bridaham, reported the same without amendment, accompanied by a report (No. 5974); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6008) granting an increase of pension to Joseph Lamont, reported the same without amendment, accompanied by a report (No. 5975); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6019) granting a pension to Harriet O'Donald, reported the same without amendment, accompanied by a report (No. 5976); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6035) granting an increase of pension to John Fox, reported the same without amendment, accompanied by a report (No. 5977); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6051) granting an increase of pension to Mary A. Duncan, reported the same without amendment, accompanied by a report (No. 5978); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6052) granting an increase of pension to William E. Redmond, reported the same without amendment, accompanied by a report (No. 5979); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 6126) granting an increase of pension to James E. Speake, reported the same without amendment, accompanied by a report (No. 5980); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6131) granting an increase of pension to Frances A. Jepson, reported the same without amendment, accompanied by a report (No. 5981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6163) granting an increase of pension to William H. Westcott, reported the same without amendment, accompanied by a report (No. 5982); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6186) granting an increase of pension to James L. Estlow, reported the same without amendment, accompanied by a report (No. 5983); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6203) granting an increase of pension to Francis W. Crommett, reported the same without amendment, accompanied by a report (No. 5984); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6232) granting an increase of pension to John L. Anthony, reported the same without amendment, accompanied by a report (No. 5985); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6238) granting an increase of pension to Hugh S. Strain, reported the same without amendment, accompanied by a report (No. 5986); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6239) granting an increase of pension to Kate M. Miner, reported the same without amendment, accompanied by a report (No. 5987); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6250) granting an increase of pension to Alice G. Clark, reported the same without amendment, accompanied by a report (No. 5988); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6267) granting an increase of pension to Denis A. Manning, reported the same without amendment, accompanied by a report (No. 5989); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6347) granting an increase of pension to Edward R. Cunningham, reported the same without amendment, accompanied by a report (No. 5990); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6353) granting an increase of pension to Dolores S. Foster, reported the same without amendment, accompanied by a report (No. 5991); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6429) granting an increase of pension to Mary L. Beardsley, reported the same without amendment, accompanied by a report (No. 5992); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6438) granting an increase of pension to Martha J. Haller, reported the same without amendment, accompanied by a report (No. 5993); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6466) granting an increase of pension to Samuel Moser, reported the same without amendment, accompanied by a report (No. 5994); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6485) granting an increase of pension to Samuel Cook, reported the same without amendment, accompanied by a report (No. 5995); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6506) granting an increase of pension to Henry Z. Bowman, reported the same without amendment, accompanied by a report (No. 5996); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6537) granting an increase of pension to William Eppinger, reported the same without amendment, accompanied by a report (No. 5997); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6560) granting an increase of pension to Reuben D. Dodge, reported the same without amendment, accompanied by a report (No. 5998); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6561) granting an increase of pension to George W. Blair, reported the same without amendment, accompanied by a report (No. 5999); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6568) granting an increase of pension to Wilbur F. Hodge, reported the same without amendment, accompanied by a report (No. 6000); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6569) granting an increase of pension to George Porter, reported the same without amendment, accompanied by a report (No. 6001); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6572) granting an increase of pension to Aaron L. Roberts, reported the same without amendment, accompanied by a report (No. 6002); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6574) granting an increase of pension to Maria H. Waggoner, reported the same without amendment, accompanied by a report (No. 6003); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6576) granting an increase of pension to Michael Meyers, reported the same without amendment, accompanied by a report (No. 6004); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6579) granting an increase of pension to Ezekiel Morrill, reported the same without amendment, accompanied by a report (No. 6005); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6580) granting an increase of pension to Ella B. Greene, reported the same without amendment, accompanied by a report (No. 6006); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6581) granting an increase of pension to Joseph W. Lowell, reported the same without amendment, accompanied by a report (No. 6007); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6583) granting an increase of pension to Abram P. Colby, reported the same without amendment, accompanied by a report (No. 6008); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6585) granting an increase of pension to Amos Ham, reported the same without amendment, accompanied by a report (No. 6009); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6586) granting an increase of pension to Wesley J. Ladd, reported the same without amendment, accompanied by a report (No. 6010); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6591) granting an increase of pension to Henry Campbell, reported the same without amendment, accompanied by a report (No. 6011); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6596) granting an increase of pension to Cyrus W. Cobb, reported the same without amendment, accompanied by a report (No. 6012); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6597) granting an increase of pension to Frank H. Read, reported the same without amendment, accompanied by a report (No. 6013); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6631) granting an increase of pension to George W. Hodgman, reported the same without amendment, accompanied by a report (No. 6014); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6632) granting an increase of pension to William Davis, reported the same without amendment, accompanied by a report (No. 6015); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6636) granting an increase of pension to Andrew J. Grover, reported the same without amendment, accompanied by a report (No. 6016); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6645) granting an increase of pension to Timothy C. Stilwell, reported the same without amendment, accompanied by a report (No. 6017); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6650) granting an increase of pension to John A. McGinty, reported the same without amendment, accompanied by a report (No. 6018); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6705) granting an increase of pension to Holmes Clayton, reported the same without amendment, accompanied by a report (No. 6019); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6707) granting an increase of pension to Stephen E. Lemon, reported the same without amendment, accompanied by a report (No. 6020); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6709) granting an increase of pension to Samuel Shawver, reported the same without amendment, accompanied by a report (No. 6021); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6712) granting an increase of pension to Orin Ingram, reported the same without amendment, accompanied by a report (No. 6022); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6714) granting an increase of pension to Joseph Bolshaw, reported the same without amendment, accompanied by a report (No. 6023); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6717) granting an increase of pension to Manasa T. Houser, reported the same without amendment, accompanied by a report (No. 6024); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6718) granting an increase of pension to Augustus L. Holbrook, reported the same without amendment, accompanied by a report (No. 6025); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6767) granting an increase of pension to John C. Brown, reported the same without amendment, accompanied by a report (No. 6026); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6814) granting a pension to Alice Bosworth, reported the same without amendment, accompanied by a report (No. 6027); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6819) granting an increase of pension to Nelson Bigalow, reported the same without amendment, accompanied by a report (No. 6028); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6821) granting an increase of pension to Jonathan M. Adams, reported the same without amendment, accompanied by a report (No. 6029); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6822) granting an increase of pension to Christopher Christopherson, reported the same without amendment, accompanied by a report (No. 6030); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6824) granting an increase of pension to Byron Canfield, reported the same without amendment, accompanied by a report (No. 6031); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6825) granting an increase of pension to Thomas M. Roberts, reported the same without amendment, accompanied by a report (No. 6032); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6826) granting an increase of pension to Jacob Turner, reported the same without amendment, accompanied by a report (No. 6033); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6829) granting an increase of pension to Thomas P. Cheney, reported the same without amendment, accompanied by a report (No. 6034); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6881) granting an increase of pension to Jefferson Bush, reported the same without amendment, accompanied by a report (No. 6035); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6882) granting an increase of pension to Elisha H. Stephens, reported the same without amendment, accompanied by a report (No. 6036); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6883) granting an increase of pension to Thomas W. White, reported the same without amendment, accompanied by a report (No. 6037); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6942) granting an increase of pension to William B. Dow, reported the same without amendment, accompanied by a report (No. 6038); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6997) granting an increase of pension to William Kennedy, reported the same without amendment, accompanied by a report (No. 6039); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7065) granting an increase of pension to Lovisa Donaldson, reported the same without amendment, accompanied by a report (No. 6040); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7077) granting an increase of pension to Mary E. Hattan, reported the same without amendment, accompanied by a report (No. 6041); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7160) granting an increase of pension to Kate Myers, reported the same without amendment, accompanied by a report (No. 6042); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1240) granting an increase of pension to Dana W. Hartshorn, reported the same without amendment, accompanied by a report (No. 6043); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4389) granting an increase of pension to Florence B. Plato, reported the same without amendment, accompanied by a report (No. 6044); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4909) granting an increase of pension to Louis Sidel, reported the same without amendment, accompanied by a report (No. 6045); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5693) granting an increase of pension to Margaret L. Houlihan, reported the same without amendment, accompanied by a report (No. 6046); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6505) granting an

increase of pension to Theodore M. Benton, reported the same without amendment, accompanied by a report (No. 6047); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6514) granting an increase of pension to Alfred A. Stocker, reported the same without amendment, accompanied by a report (No. 6048); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6558) granting an increase of pension to Samuel A. Pearce, reported the same without amendment, accompanied by a report (No. 6049); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6723) granting an increase of pension to Agusta P. Morgan, reported the same without amendment, accompanied by a report (No. 6050); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6885) granting an increase of pension to William H. Anderson, reported the same without amendment, accompanied by a report (No. 6051); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 4586) for the relief of Mrs. R. E. Miller, reported the same without amendment, accompanied by a report (No. 6052); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 23713) permitting the erection of a dam or dams across the Black Warrior River, Alabama, at Squaw shoals on said river—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: A bill (H. R. 23714) for the erection of a monument to the memory of Lieut. Commander George Washington De Long and his comrades who lost their lives in the *Jeanette* Arctic expedition—to the Committee on the Library.

By Mr. McGUIRE: A bill (H. R. 23715) granting the rights of citizenship to Indians in Oklahoma and Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. DALZELL: A bill (H. R. 23716) to amend section 4919 of the Revised Statutes of the United States to provide additional protection for owners of patents of the United States, and for other purposes—to the Committee on Patents.

By Mr. OLCOTT: A bill (H. R. 23717) providing for the taxation of foreign insurance companies doing business in the United States—to the Committee on Ways and Means.

By Mr. CRUMPACKER: A bill (H. R. 23718) to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 23719) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902—to the Committee on the Territories.

By Mr. LOVERING: A bill (H. R. 23720) to aid the Council City and Solomon River Railroad Company—to the Committee on the Territories.

By Mr. CHANEY: A bill (H. R. 23721) to appropriate $100,000 for the establishment of demonstration farms, for the investigation on farm practice, and the inauguration of systems of farm management throughout the United States—to the Committee on Agriculture.

By Mr. GRONNA: A bill (H. R. 23722) to amend an act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906—to the Committee on Ways and Means.

By Mr. BELL of Georgia: A bill (H. R. 23723) authorizing the erection of a post-office building at Buford, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23724) authorizing the erection of a post-office building at Commerce, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23725) authorizing the erection of a post-office building at Jefferson, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 23726) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Belhaven, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: A bill (H. R. 23727) for the establishment of a light-house and fog-signal station at Carbarandum Point, in the vicinity of Split Rock, on the north shore of Lake Superior, Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 23728) for the resurvey of a portion of the east boundary of Wyoming—to the Committee on Appropriations.

By Mr. LEGARE: A resolution (H. Res. 679) increasing the compensation of the Deputy Sergeant-at-Arms of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23729) granting an increase of pension to John Vandegrift—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 23730) granting an increase of pension to Michael Banzhof—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23731) granting an increase of pension to Isaac W. Corgill—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 23732) granting an increase of pension to Rosanna Kaogan—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 23733) granting an increase of pension to Gifford M. Bridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23734) granting an increase of pension to Matthew N. Chappell—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 23735) granting an increase of pension to Henry C. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23736) granting an increase of pension to William H. H. Stout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23737) granting an increase of pension to John A. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23738) granting an increase of pension to Cyrus Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23739) granting an increase of pension to Elizabeth Pillow—to the Committee on Pensions.

Also, a bill (H. R. 23740) granting an increase of pension to Benjamin C. Swan—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23741) granting an increase of pension to William P. Youkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23742) granting an increase of pension to John L. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23743) granting a pension to Eva Whittleberry—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 23744) granting an increase of pension to John O. Cravens—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23745) granting an increase of pension to N. W. Davis—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 23746) granting an increase of pension to Perry Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23747) granting an increase of pension to Jesse M. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23748) granting an increase of pension to Emily J. Vanbeber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23749) granting an increase of pension to Nancy Lipps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23750) for the relief of J. B. Mason, Theo. G. Moren, D. R. Brock, and J. C. McKee, trustees of Laurel Seminary (now London Graded Common School No. 1), of London, Laurel County, Ky.—to the Committee on War Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 23751) granting an increase of pension to Charles D. Moody—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23752) granting an increase of pension to Elijah Hallett—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23753) granting an increase of pension to Chauncey Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23754) granting an increase of pension to William D. W. Miller—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 23755) granting an increase of pension to David Vickers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23756) granting an increase of pension to John C. Stalker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23757) granting an increase of pension to Gideon M. Combs—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23758) granting an increase of pension to Oliver Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23759) granting an increase of pension to Thomas Spanton—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 23760) granting an increase of pension to Thomas Todd—to the Committee on Pensions.

Also, a bill (H. R. 23761) granting an increase of pension to Philip B. Thompson—to the Committee on Pensions.

Also, a bill (H. R. 23762) granting an increase of pension to Adelaide Wagner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23763) granting an increase of pension to James Riley—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 23764) granting an increase of pension to Joseph C. Fisher—to the Committee on Invalid Pensions.

By Mr. GOEBEL: A bill (H. R. 23765) granting an increase of pension to John H. H. Babcock—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 23766) granting an increase of pension to Alonzo Harter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23767) granting an increase of pension to Edward G. Rockhold—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 23768) granting a pension to H. G. Shull—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 23769) granting an increase of pension to Beulah Thompson—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 23770) granting an increase of pension to Henry D. Combs—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 23771) for the relief of Edward Simmons—to the Committee on Claims.

By Mr. CLAUDE KITCHIN: A bill (H. R. 23772) granting an increase of pension to Temperance Davis—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 23773) granting an increase of pension to Samuel H. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23774) granting an increase of pension to James Kelley—to the Committee on Pensions.

Also, a bill (H. R. 23775) granting a pension to Norma J. Henderson—to the Committee on Pensions.

Also, a bill (H. R. 23776) removing charge of desertion from military record of James M. Smith—to the Committee on Military Affairs.

By Mr. FREDERICK LANDIS: A bill (H. R. 23777) granting an increase of pension to James Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23778) granting an increase of pension to Henry Clapper—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 23779) granting a pension to Delia Wight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23780) granting a pension to Hattie L. Benedict—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23781) granting a pension to Honora Higgins—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 23782) for the relief of Theophilus D. Hoffman—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 23783) granting an increase of pension to George W. Buzzell—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 23784) for the relief of Rufus L. King—to the Committee on Claims.

By Mr. MEYER: A bill (H. R. 23785) for the relief of Antonio Hook, late seaman United States Navy—to the Committee on War Claims.

Also, a bill (H. R. 23786) for the relief of the heirs of the estate of Patrick Dooling, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 23787) to provide for the division of a penalty recovered under the alien contract-labor law—to the Committee on Claims.

By Mr. MOUSER: A bill (H. R. 23788) granting an increase of pension to Elza Cameron—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 23789) for the relief of the McCall-Dinning Company, of Baltimore City—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 23790) granting an increase of pension to George Hemminger—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 23791) granting an increase of pension to Calvin B. Fowlkes—to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 23792) granting an increase of pension to Zenrial McCullock—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 23793) granting an increase of pension to William Nelson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 23794) granting an increase of pension to John W. Suits—to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 23795) granting an increase of pension to Patrick McMahon—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 23796) granting an increase of pension to Jacob S. Snyder—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 23797) granting an increase of pension to James D. Tomson—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 23798) granting a pension to Thomas M. Davis—to the Committee on Pensions.

Also, a bill (H. R. 23799) granting a pension to Mary E. Alford—to the Committee on Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 23800) granting an increase of pension to Elijah Fentress—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23801) granting an increase of pension to Steth M. Carter—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 23802) granting an increase of pension to Thomas J. Brown—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 23803) granting an increase of pension to David C. Jones—to the Committee on Pensions.

Also, a bill (H. R. 23804) granting an increase of pension to Phoebe E. Sparkman—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 23805) granting an increase of pension to Thomas Hamilton—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 23806) granting an increase of pension to William F. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23807) granting an increase of pension to Robert K. Robinson—to the Committee on Invalid Pensions.

By Mr. TOWNE: A bill (H. R. 23808) granting an increase of pension to Henry Pond—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R 23809) granting a pension to James M. Thurston—to the Committee on Pensions.

Also, a bill (H. R. 23810) granting an increase of pension to Ira J. Everson—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 23811) granting an increase of pension to Theron Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23812) granting an increase of pension to Joseph Dewhurst—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 23813) granting an increase of pension to Edwin May—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 23814) granting a pension to Mary E. Hoffman—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13875) granting a pension to Ada Richards—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22018) granting an increase of pension to

Charles Sells—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22625) granting an increase of pension to George Young—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22709) granting a pension to Martha E. Muhlenfeld—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22276) granting an increase of pension to Warren Sherwood—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of various commercial bodies of Philadelphia, for improvement of harbor of Philadelphia—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Petition of Joint Executive Committee on Improvement of Harbor of Philadelphia, for a 35-foot channel in the Delaware—to the Committee on Rivers and Harbors.

By Mr. ALLEN of New Jersey: Petitions of various commercial bodies of Philadelphia, for deepening Delaware River at Philadelphia—to the Committee on Rivers and Harbors.

Also, petition of Mission Promoting Association, for remission of duty on lumber for rebuilding purposes in San Francisco—to the Committee on Ways and Means.

Also, petition of New Immigrants' Protective League, against certain obnoxious provisions of the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Papers to accompany House bill 9321, for establishing a mint at Dahlonega, Ga.—to the Committee on Coinage, Weights, and Measures.

By Mr. BENNET of New York: Petition of Harlem Reporter and Bronx Chronicle, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petition of the Courier, Waterloo, Iowa; the Daily Times and Tribune, Waterloo, Iowa, the Telegraph-Herald, Dubuque, Iowa, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of veteran soldiers of the civil war, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. BROWNLOW: Petition of Hampton Council, No. 142, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Richmond Jones et al., prisoners of war in rebel prisons, for passage of pension bill introduced by Hon. JOHN DALZELL—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Good Will Council, No. 56, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. CASSEL: Petition of Sylvania Council, No. 71, Daughters of Liberty, Marietta, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Pennsylvania: Petition of New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Sanford D. Payne—to the Committee on Invalid Pensions.

By Mr. DALZELL: Memorandum to accompany bill to amend section 4919, Revised Statutes of the United States—to the Committee on Patents.

By Mr. DAWSON: Petition of citizens of Clinton, Iowa, for special pension for Mrs. James Tompkins, an Army nurse—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Joint Executive Committee on Improvement of Harbor of Philadelphia, for 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

By Mr. ELLIS: Paper to accompany bill for relief of Charles Sells (referred previously to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Hurst and W. H. Linscott—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. Celia Scott, widow of John G. Scott—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin Maple—to the Committee on Pensions.

By Mr. FOSTER of Indiana: Petition of Iron Molders' Union No. 51, Evansville, Ind., against employment of Asiatics within Canal Zone—to the Committee on Immigration and Naturalization.

Also, petition of Germania Maennerchor, against passage of Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. FOWLER: Petitions of citizens of Roselle Park, N. J., and citizens of Rahway, N. J., for the McCumber-Sperry-Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Evening Times, Elizabeth, N. J., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Paper to accompany bill for relief of Charles F. Connery—to the Committee on Invalid Pensions.

Also, petition of Thomas F. Adkin, for the Crumpacker bill relative to post-office fraud orders (previously referred to Committee on the Post-Office and Post-Roads)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Oliver Davis—to the Committee on Invalid Pensions.

Also, petition of A. J. Holmquist, for the Crumpacker bill (H. R. 16548) relative to postal fraud orders—to the Committee on the Judiciary.

Also, petition of F. E. Sterling, for the Garrett bill (H. R. 22476) relative to right to exchange of newspaper stock in trade (advertising) for railroad stock in trade (transportation)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Thomas Spanton—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany House bill 21399, authorizing a survey of Forked Deer River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. HINSHAW: Petition of Beatrice Commercial Club, for appropriation to enlarge post-office building at Beatrice, Nebr. (previously referred to Committee on the Post-Office and Post-Roads)—to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: Paper to accompany bill for relief of Edward Judkins (previously referred to Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. KENNEDY of Nebraska: Petition of General Protective Board of Brotherhood of Locomotive Firemen, Union Pacific Railway, against restriction of hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Omaha Commercial Club and Grain Exchange, for an appropriation for improvement of the Mississippi River at or near Omaha—to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Ohio: Petition of Cigar Makers' Union, Canton, Ohio, against employment of Asiatic coolies in Panama Zone—to the Committee on Foreign Affairs.

Also, petition of San Francisco Labor Council, against utterances of the President relative to the Japanese in said city—to the Committee on Labor.

Also, petition of The Telegram, Youngstown, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Youngstown, Ohio, for investigation of Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of locomotive engineers and trainmen of the Chicago, Burlington and Quincy system railways, Ottumwa, against restriction of hours of employment on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: Petition of Evening Telegram, Holyoke, Mass., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of George Young (referred previously to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: Petition of New Haven Chamber of Commerce, for establishment of forest reserves—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Honora Higgins, Hattie L. Benedict, and Delia A. Wight—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Joint Executive Committee on Improvement of Harbor of Philadelphia, for 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

By Mr. LIVINGSTON: Paper to accompany bill for relief of William D. Edwards—to the Committee on War Claims.

By Mr. McCALL: Paper to accompany bill for relief of Frank R. Chisholm—to the Committee on War Claims.

By Mr. MANN: Petition of Bankers' Club, Chicago, for legislation in harmony with enunciations of currency commission of American Bankers' Association, sitting at Washington—to the Committee on Banking and Currency.

Also, petition of Chicago Christian Endeavor Union, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Chicago Typographical Union, No. 16, favoring investigation of status of women and child workers of the United States by Secretary of Commerce and Labor—to the Committee on Labor.

Also, petition of Monmouth Commercial Club, favoring legislation for improvement of navigable streams in United States, especially upper Mississippi—to the Committee on Rivers and Harbors.

Also, petition of The University of Chicago Press, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MEYER: Paper to accompany bill for relief of Antonio Hook—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of Patrick Dooling—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of various commercial bodies of Philadelphia, for deepening of the Delaware River—to the Committee on Rivers and Harbors.

By Mr. MORRELL: Petition of Joint Executive Committee, for the improvement of the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

By Mr. PATTERSON of Tennessee: Petition of Union No. 4, A. S. M. W. I. A., of Memphis, Tenn., favoring merchant marine commission shipping bill passed by the Senate of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Joint Executive Committee on the Improvement of the Harbor of Philadelphia, for deepening Delaware River to 35 feet—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President relative to Japanese in schools of said city—to the Committee on Foreign Affairs.

By Mr. PRINCE: Petition of Republican Register, Galesburg, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of various commercial bodies of Philadelphia, for appropriation to deepen the Delaware River at Philadelphia—to the Committee on Rivers and Harbors.

Also, petition of Numismatic and Antiquarian Society of Philadelphia, for removal of duty on works of art—to the Committee on Ways and Means.

By Mr. RYAN: Petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of various commercial bodies of Philadelphia, for deepening the Delaware River—to the Committee on Rivers and Harbors.

By Mr. SCHNEEBELI: Petition of joint executive committee on improvement of harbor of Philadelphia, for deepening channel of the Delaware to 35 feet—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Paper to accompany bill for relief of B. O. Mahaffey and J. A. Cleveland—to the Committee on Military Affairs.

Also, petitions of citizens of Valleant, Ind. T.; citizens of Brookston, Tex.; Hon. Lee Cruce; Hon. Sidney Suggs, et al.; Hon. W. H. Murray; Governor Johnson, et al.; citizens of Tishomingo, Ind. T.; citizens of Atoka, Ind. T., and citizens of Paris, Tex., for appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edward J. Warner—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Elijah Fentress, Emanuel Sandusky, and E. F. Hacker—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of James E. Arnold—to the Committee on Claims.

By Mr. STERLING: Petition of News-Herald, Lincoln, Nebr., Pentegraph Printing and Stationery Company, and Lincoln Courier, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petition of Fred L. Baker, Nunda, N. Y., for amending post-office laws so as to admit paper of certain size as fourth-rate matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of Edwin May—to the Committee on Invalid Pensions.

By Mr. WHARTON: Petition of Packing Trade Council, Chicago, for passage of bills H. R. 17562 and S. 5469, investigating social, moral, educational, and physical condition of women and child workers of the United States—to the Committee on Labor.

By Mr. WOOD of New Jersey: Petition of Daily True American, against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *January 9, 1907.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to Esta Beaver, Peoria allottee No. 62, for lands allotted to her in Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

COMPILATION BY BUREAU OF INSULAR AFFAIRS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a compilation prepared by the Bureau of Insular Affairs consisting of all legislation enacted by the Fifty-eighth Congress from March 4, 1903, to March 3, 1905, pertaining to Alaska, Cuba, Guam, Philippine Islands, etc., together with all treaties and conventions entered into by the United States affecting any of this territory, and also all proclamations issued by the President concerning any of this territory, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair lays before the Senate a telegram in the nature of a petition, which will be read.

The Secretary read the telegram, as follows:

SPOKANE, WASH., *January 8.*

President of United States Senate, Washington, D. C.:

Whereas the increased cost of living is a condition and not a theory; and

Whereas the present salary of our national representatives is inadequate to the dignity and needs of the office; and

Whereas there is no power but Congress that can raise Congressional salaries; and

Whereas scruples of delicacy prevent our representatives from voting more money into their own pockets: Therefore be it

Resolved by the Spokane Chamber of Commerce in annual meeting assembled: That we would favor a salary for our United States Senators and Congressmen, exclusive of traveling expenses, of $8,000 per annum, and would recommend and urge that that sum be fixed by act of Congress now in session.

Resolved, That these resolutions be transmitted by wire to the President of the Senate and Speaker of the House of Representatives, with request that they be read in open session of each House, and that through the press we request every commercial organization throughout the United States to take similar action.

SPOKANE CHAMBER OF COMMERCE,
By F. E. GOODALL, *President.*

Mr. GALLINGER. I move that the telegram be referred to the Committee on Appropriations.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HOPKINS presented memorials of sundry trainmen employed on the Pennsylvania lines in Chicago, Ill., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Chicago, Ill., praying that the Isthmian Canal Commission operate one-third of the Government shipping out of the Gulf ports, with New Orleans as the most practicable port; which was referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry newspaper publishers of Clinton, Crystal Lake, Dwight, Harvard, Eureka, Pana, Morris, Pontiac, Grayville, Elgin, Monticello, Rockford, Newton, Duquoin, Bushnell, Greenville, Fairfield, Dahlgren, Flora, Reynolds, Mount Sterling, Nauvoo, Ashton, Marshall, and Morrison, all in the State of Illinois, praying for the enactment of legislation to permit newspapers to contract with railroads for transportation to be paid for in advertising at regular rates; which were referred to the Committee on Interstate Commerce.

Mr. STONE presented a petition of Louis A. Craig Camp, Army of the Philippines, of Kansas City, Mo., praying for the